Environmental Protection and Growth Management Department
POLLUTION PREVENTION, REMEDIATION AND AIR QUALITY DIVISION – AIR QUALITY
One North University Drive, Suite 203, Plantation, Florida 33324
954-519-1260 • FAX 954-519-1495

NOTICE OF FINAL TITLE V AIR OPERATION PERMIT

In the Matter of an
Application for Permit Renewal:

Mr. Herbert A. List, Jr.	FINAL Permit Project No.: 0112110-004-AV
President	List Industries, Inc.
401 Jim Moran Boulevard Deerfield Beach, Florida 33442	Broward County

Enclosed is the FINAL Permit, No. 0112101-004-AV. The purpose is for the renewal of the Title V Air Operation Permit. The facility is located in Broward County. This permit renewal is issued pursuant to Chapter 403, Florida Statutes (F.S.). There were no comments received from Region 4, U.S. EPA, regarding the PROPOSED Permit.

Any party to this order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Legal Office; and, by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 (thirty) days from the date this Notice is filed with the Clerk of the Department.

Executed in Plantation, Florida.

Daniela Banu

Daniela Banu, Air Quality Admnistrator

DB/omi

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF FINAL TITLE V AIR OPERATION PERMIT (including the FINAL Determination and the FINAL Permit) was sent by certified mail or electronically (with Received Receipt) before the close of business on July 6/2011 to the person(s) listed or as otherwise noted:

Herbert A. List, Jr, President, JRL@listindustries.com

The undersigned duly designated deputy agency clerk hereby certifies that a copy of this NOTICE OF FINAL TITLE V AIR OPERATION PERMIT was sent by U.S. Mail or electronically (with Received Receipt) before the close of business on July 6/2011 to the person(s) listed or as otherwise noted:

Lennon Anderson, SFDEP, Air Section, via electronic mail
Maxwell R. Lee, P.E., Koogler & Associates, Inc. [mlee@kooglerassociates.com]
Barbara Friday, BAR [barbara.friday@dep.state.fl.us] (for posting with Region 4 , U.S. EPA)

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

(Clerk) 7/6/2011 (Date)

List Industries, Inc.
Deerfield Beach, Florida
Facility ID No.: 0112110
Broward County

Title V Air Operation Permit Renewal
FINAL Permit No.: 0112110-004-AV

Permitting Authority:
Broward County Environmental Protection and Growth Management Department
Pollution Prevention, Remediation and Air Quality Division
Licensing and Compliance Section
One North University Drive, Suite: 203
Plantation, Florida 33324-2038
Telephone: 954-519-1260
Fax: 954-519-1495

Permittee:
List Industries, Inc.
401 N.W. 12th Avenue
Deerfield Beach, Fl 33442

FINAL Permit No.: 0112110-004-AV
Facility ID No.: 0112110
SIC No.: 2531
Project: Title V Air Operation Permit Renewal

This permit is for the operation of List Industries, Inc. in Deerfield Beach. This facility is located at 401 N.W. 12th Avenue, Deerfield Beach, Broward County, Florida. UTM Coordinates: Zone 17, 585.68 km East and 2901.31 km North; and, Latitude: 26° 19' 30" North and Longitude: 80°07' 00" West.

This Title V Air Operation Permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-213. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

Referenced attachments made a part of this permit:
Appendix U-1, List of Unregulated Emissions Units and/or Activities
Appendix I-1, List of Insignificant Emissions Units and/or Activities
Appendix TV, TITLE V GENERAL CONDITIONS version dated 11/01/2010
Appendix H-1: Permit History
Appendix A Glossary: Abbreviations, Acronyms, Citations, and Identification Numbers
Table 1-1 Summary of Air Pollutants Standards and Terms
Table 2-1 Summary of Compliance Requirements
Statement of Basis

Effective Date: June 22, 2011
Renewal Application Due Date: 12/21/2015
Expiration Date: 08/02/2016

Broward County, Pollution Prevention and Air Quality Division

Daniela Banu
Air Quality Program Administrator

DB/omi

Title V Air Operation Permit Renewal
FINAL Permit No.: 0112110-04-AV

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V. Referenced attachments made a part of this permit:
Appendix U-1, List of Unregulated Emissions Units and/or Activities
Appendix I-1, List of Insignificant Emissions Units and/or Activities
Appendix TV, TITLE V GENERAL CONDITIONS version dated 11/01/2010
Appendix H-1: Permit History
Appendix A Glossary: Abbreviations, Acronyms, Citations, and Identification Numbers
Table 1-1 Summary of Air Pollutants Standards and Terms
Table 2-1 Summary of Compliance Requirements

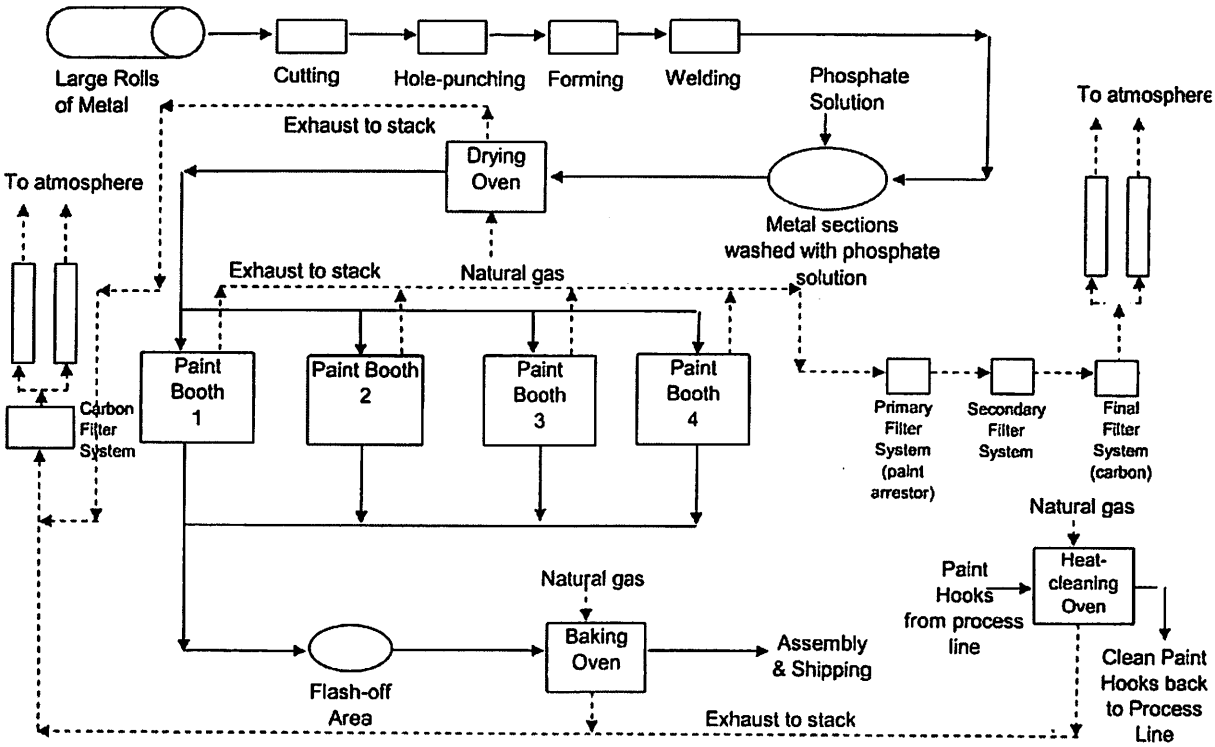
VI. Attachment
Statement of Basis

Section I. Facility Information.

Subsection A. Facility Description.

This facility manufactures and coats metal lockers on a custom order basis. Metal enters the plant in large rolls, unfinished and ready for further processing (Figure 1). The metal rolls are moved through cutting, hole-punching, forming, and welding operations to prepare the sides and internal sections of the locker for finishing and assembly. The sections are then washed with a phosphate solution, dried in a gas-fired oven, then routed to one of four spray booths. After the finish is applied, the parts are sent to a flash-off area then another gas-fired oven. Paint hooks used to transport parts through the finishing area are periodically placed in the small gas-fired oven to clean off residual paint. The parts are then assembled and shipped.

Figure 1. Process Flow Diagram



Also included in this permit are miscellaneous insignificant activities.

Based on the renewal applications received on January 10, 2006 and December 8, 2010 the facility is a major source of hazardous air pollutants (HAP) and is subject to Subpart RRRR of the National Emission Standards for Hazardous Air Pollutants for surface coating of metal furniture. Compliance Assurance Monitoring (CAM) rule does not apply.

Subsection B. Summary of Emissions Unit ID No(s). and Brief Description(s).

E.U. ID No.	Brief Description
01	Metal Furniture Coating Line consisting of four (4) paint spray booths, one (1) natural gas-fired drying oven, one (1) bake oven and one (1) small heat cleaning oven to clean off residual parts. The pollution control devices for particulate matter emissions from the spray booths include mat or panel filters.

Unregulated Emissions Units and/or Activities:

1) Powder coating line consisting of a dry coating sprayer system.

Please reference the Permit No., Facility ID No., and appropriate Emissions Unit(s) ID No(s). on all correspondence, test report submittals, applications, etc.

Subsection C. Relevant Documents.

The documents listed below are not a part of this permit; however, they are specifically related to this permitting action.

These documents are provided to the permittee for information purposes only:
Appendix A Glossary: Abbreviations, Acronyms, Citations, and Identification Numbers
Appendix H-1: Permit History
Statement of Basis

These documents are on file with permitting authority:
Renewal Title V Permit Application received via regular mail December 8, 2010.
Additional Information Request dated February 3, 2011
Additional Information Response was received February 16, 2011

Section II. Facility-wide Conditions.

The following conditions apply facility-wide:

1. APPENDIX TV, TITLE V CONDITIONS, is a part of this permit.
{Permitting Note: APPENDIX TV, TITLE V CONDITIONS, is distributed to the permittee only. Other persons requesting copies of these conditions shall be provided one copy when requested or otherwise appropriate.}

2. [Not federally enforceable.]
General Pollutant Emission Limiting Standards. Objectionable Odor Prohibited. No person shall cause, suffer, allow, or permit the discharge of air pollutants which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. To comply with this requirement, the owner or operator shall implement the following best management practices that include but not limited to:

(1) Maintaining records of the time and date of:
- (i) Replacement of filters in the surface coating emissions control system,
- (ii) Daily inspections of the motors, fans, and vacuum switches in the surface coating emissions control system,
- (iii) Shutdown of the production line for repairs/maintenance of the emissions control system,
- (iv) Periodic training of workers in the surface coating production line, and
- (iv) Daily walk-thru for compliance with work practices.

(2) Implement work practices.
- (i) All organic-VOC-containing coatings, thinners, cleaning materials, and waste materials must be stored in closed containers. The owner or operator shall ensure that these containers are kept closed at all times except when depositing or removing these materials from the container.
- (ii) Spills of organic-VOC-containing coatings, thinners, cleaning materials, and waste materials shall be mopped up immediately.
- (iii) All spray booth doors shall be shut while the paint line is in operation.
- (iv) Organic-VOC-containing coatings, thinners, cleaning materials, and waste materials must be conveyed from one location to another in closed containers.
- (v) Mixing vessels which contain organic-VOC-containing coatings and other materials must be closed except when adding to, removing, or mixing the contents.

[Rule 62-296.320(2), F.A.C., Odor Compliance Plan dated April 24, 2001 and April 27, 2001, Settlement Agreement Case No: 96-30128, Rule 62-296.320(2), F.A.C., 62-210.200(Definitions) F.A.C., and 62-4.070(3), F.A.C.]

3. General Particulate Emission Limiting Standards. General Visible Emissions Standard.
Except for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than that designated as Number 1 on the

Ringelmann Chart (20 percent opacity). EPA Method 9 is the method of compliance pursuant to Chapter 62-297, F.A.C. This regulation does not impose a specific testing requirement
[Rules 62-296.320(4)(b)1, F.A.C.]

4. Prevention of Accidental Releases (Section 112(r) of CAA).
a. The permittee shall submit its Risk Management Plan (RMP) to the Chemical Emergency Preparedness and Prevention Office (CEPPO) RMP Reporting Center when, and if, such requirement becomes applicable. Any Risk Management Plans, original submittals, revisions or updates to submittals, should be sent to:

RMP Reporting Center
Post Office Box 1515
Lanham-Seabrook, MD 20703-1515
Telephone: 301/429-5018

and,
a. The permittee shall submit to the permitting authority Title V certification forms or a compliance schedule in accordance with Rule 62-213.440(2), F.A.C.,40 CFR 68]

5. Unregulated Emissions Units and/or Activities. Appendix U-1, List of Unregulated Emissions Units and/or Activities, is a part of this permit.
[Rule 62-213.440(1), F.A.C.]

6. Insignificant Emissions Units and/or Activities. Appendix I-1, List of Insignificant Emissions Units and/or Activities, is a part of this permit.
[Rules 62-213.440(1), 62-213.430(6), and 62-4.040(1)(b), F.A.C.]

7. General Pollutant Emission Limiting Standards. Volatile Organic Compounds (VOC) Emissions or Organic Solvents (OS) Emissions. The permittee shall allow no person to store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by PPRAQ.
[Rule 62-296.320(1)(a),]

8. Emissions of Unconfined Particulate Matter. Pursuant to Rules 62-296.320(4)(c)1., 3. & 4., F.A.C., reasonable precautions to prevent emissions of unconfined particulate matter (PM) at this facility include the following requirements (see Condition 57. of APPENDIX TV-5, TITLE V CONDITIONS):
[Rule 62-296.320(4)(c)2., F.A.C.]

9. Time Specific Requirements. When appropriate, any recording, monitoring, or reporting requirements that are time-specific shall be in accordance with the effective date of the permit, which defines day one.
[Rule 62-213.440, F.A.C.]

10. Statement of Compliance. The annual statement of compliance pursuant to Rule 62-213.440(3)(a)2., F.A.C., shall be submitted to PPRAQ and EPA within 60 (sixty) days after the end of the calendar year using DEP Form No. 62-213.900(7), F.A.C.
[Rules 62-213.440(3) and 62-213.900, F.A.C.]

{Permitting Note: This condition implements the requirements of Rules 62-213.440(3)(a)2. & 3., F.A.C. (see Condition 51. of APPENDIX TV-5, TITLE V CONDITIONS)}

11. Submittal to Local Agency. The permittee shall submit all compliance related notifications and reports required of this permit to the PPRAQ at the following address:

Pollution Prevention, Remediation and Air Quality Division (PPRAQ)
Air Quality Program
One North University Drive, Suite: 203
Plantation, Florida 33324
Telephone: 954/591-1260
Fax: 954/519-1495

12. Submittal to USEPA. Any reports, data, notifications, certifications, and requests required to be sent to the United States Environmental Protection Agency, Region 4, should be sent to:

United States Environmental Protection Agency
Region 4
Air, Pesticides & Toxics Management Division
Air and EPCRA Enforcement Branch, Air Enforcement Section
61 Forsyth Street
Atlanta, Georgia 30303
Telephone: 404/562-9155, Fax: 404/562-9163

13. Certification by Responsible Official (RO). In addition to the professional engineering certification required for applications by Rule 62-4.050(3), F.A.C., any application form, report, compliance statement, compliance plan and compliance schedule submitted pursuant to Chapter 62-213, F.A.C., shall contain a certification signed by a responsible official that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. Any responsible official who fails to submit any required information or who has submitted incorrect information shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary information or correct information.
[Rule 62-213.420(4), F.A.C.]

14. General Prohibitions.

a) Circumvention. No person shall circumvent any air pollution device, or allow the emission of air pollutants without the applicable air pollution control device operating properly.
b) Concealment . No person shall build, erect, install, or use any article, machine, equipment or other contrivance, the use of which will conceal any emission which could otherwise constitute a violation of any provisions of Broward County Code.
c) Maintenance. No person shall operate any air pollution control equipment or systems without proper and sufficient maintenance to assure compliance with Broward County Code.

[Rule 62-210.650, F.A.C., Broward County Code, Sec. 27-175(b) and (d)]

15. Annual Operation Report (AOR). The AOR shall be submitted to the PPRAQ by April 1 of the following year. If the report is submitted using FDEP's electronic annual operation report software (EAOR), there is no requirement to submit a copy to PPRAQ.
[Rule 62-210.370(3), F.A.C.]
{Permitting Note. Information on the EAOR submittal is available at http://www.dep.state.fl.us/air/eproducts/eaor/default.htm}

16. Sources subject to 40 CFR 63, Subpart RRRR. The owner or operator shall comply with the applicable requirements of the General Provisions listed in Table 2 (edited) to Subpart RRRR of Part 63 (see Appendix 2 of this permit)
[40 CFR 63]

17. Annual Emissions Fee Form and Fee. The annual Title V emissions fees are due by March 1st of each year. The completed form and calculated fee shall be submitted to: Major Air Pollution Source Annual Emissions Fee, P.O. Box 3070, Tallahassee, Florida 32315-3070. The forms are available for download by accessing the Title V Annual Emissions Fee On-line Information Center at the following Internet web site:
http://www.dep.state.fl.us/air/permitting/tvfee.htm.
[Rule 62-213.205, F.A.C.]

Section III. Emissions Unit(s) and Conditions.

Subsection [A]. This section addresses the following emissions unit(s).

E.U. ID No.	Brief Description
01	Metal Furniture Coating Line consisting of four (4) paint spray booths, one (1) natural gas-fired drying oven, one (1) bake oven and one (1) small heat cleaning oven to clean off residual parts. The pollution control devices for particulate matter emissions from the spray booths include mat or panel filters.

{Permitting note: (IMPORTANT REGULATORY CLASSIFICATION) – This emission unit is regulated under Rule 62-204.800 (11) (b) 73, F.A.C. which adopts and incorporates by reference subpart RRRR of the national emission standards for hazardous air pollutants (NESHAP) for surface coating of metal furniture; except that the EPA is the Administrator for purposes of 40 CFR 63.4980(c)(1) through (4) (major alternatives). Appendix 1 contains a partial list of applicable definitions for subpart RRRR. Compliance Assurance Monitoring (CAM) is not required.}

IMPORTANT NOTE: *The facility is operating 100% powder coating at the present time and the spray booths and the rest of the equipment is left on site for future use in case is needed. The powder coating operation has been identified as an unregulated emissions unit/activity since it does not constitute an air pollution source.*

The following specific conditions apply to the emissions unit listed above:

Essential Potential to Emit (PTE) Parameters

A.1. Permitted Capacity. Maximum VOC Emissions from solvents in surface coating operations: 48 pounds per hour (210 Tons per year based on 8,760 hours/year)
[Rule 62-4.160(2), F.A.C. and Rule 62-210.200, F.A.C., Definitions - (PTE), Permit No. AC 06-180836]

A.2. Hours of Operation. This emissions unit is allowed to operate continuously, i.e., 8,760 hours/year.
[Rule 62-210.200(PTE), F.A.C.]

Emission Limitations and Standards

A.3. VOC Emission Standard. The owner or operator of a metal furniture coating line shall not cause, allow, or permit the discharge into the atmosphere of any volatile organic compounds in excess of 3.0 pounds per gallon of coating (0.36 kilograms per liter), excluding water, delivered to the coating applicator from prime and topcoat or single-coat operations. Credit for transfer efficiency above the baseline of 60% for spray coating operations can be granted according to equation 1.

where

X = Adjusted allowable maximum VOC content (lbs VOC/gallon of coating less water)
Y = density of the VOC in the maximum VOC content coating (lb/gallon)
TE = transfer efficiency (gallons of coating solids deposited / total gallons of solids in coatings)
(An EPA and state approved test method for determination of transfer efficiency above the baseline is required.)
Z = applicable emission limit (8.44 lbs VOC/gallons of coating of solids deposited, which corresponds to 3.0 pounds VOC per gallon of coating using TE = 0.6, Y = 7.36)

[Rule 62-296.505 (2) (a) F.A.C.]

A.4. Organic Hazardous Air Pollutants (HAP) Emissions Limit (Subpart RRRR). The owner or operator shall limit organic HAP emissions to the atmosphere to no more than 0.10 kg organic HAP per liter (0.83 lb/gal) of coating solids used during each compliance period.
[40 CFR 63.4890 (c)]

Compliance Requirements

A.5. Compliance Dates and Periods for Subpart RRRR HAP Standard. In accordance with the permit application received on January 10, 2006, the compliant material option shall be used to demonstrate compliance with the HAP emission limit. The initial compliance date for demonstrating compliance with the HAP emission limit using the compliant material option of subpart RRRR is May 23, 2006; and the initial compliance period is May 23, 2006 to June 30, 2006. The compliance period for demonstrating continuous compliance is each month following the initial compliance period.
[40 CFR 4883 (b), 40 CFR 4942 (a)]

A.6. Demonstrating Compliance with the HAP Emission Limit for the Initial Compliance Period. The initial compliance demonstration includes the calculations and supporting documentation showing that, during the initial compliance period, the owner or operator used no coating with an organic HAP content that exceeded the HAP emission limit in 40 CFR 63.4890 (see "*Emission Limitations and Standards*", above), and no thinners or cleaning materials are used that contained organic HAP. The owner or operator shall demonstrate compliance with the HAP emission limit according to the following requirements:

For each coating, thinner, and cleaning material (in the condition it is in when it is received from its manufacturer or supplier and prior to any alteration), the owner or operator shall:

(a) *Determine the mass fraction of organic HAP for each material used.*
The mass fraction of organic HAP for each coating, thinner, and cleaning material used during the compliance period is determined by using one of the options in paragraphs (a)(1) through (5)of this section.

(1) *Method 311 (appendix A to 40 CFR part 63.* The following procedures specified in paragraphs (a) (1) (i) and (ii) of this section shall be used to when performing a Method 311 test.

(i) Count each organic HAP that is measured to be present at 0.1 percent by mass or more for Occupational Safety and Health Administration (OSHA)- defined carcinogens as specified in 29 CFR 1910.1200(d)(4) and at 1.0 percent by mass or more for other organic HAP compounds. For example, if toluene (not an OSHA carcinogen) is measured to be 0.5 percent of the material by mass, it is not required to count it. Express the mass fraction of each organic HAP counted as a value truncated to four places after the decimal point (for example, 0.3791).

(ii) Calculate the total mass fraction of organic HAP in the test material by adding up the individual organic HAP mass fractions and truncating the result to three places after the decimal point (for example, 0.763).

(2) *Method 24 (appendix A to 40 CFR part 60).* Use Method 24 to determine the mass fraction of nonaqueous volatile matter and use that value as a substitute for mass fraction of organic HAP.

(3) *Alternative EPA approved method for determining the mass fraction of organic HAP.* The owner or operator shall follow the procedure in 40 CFR 63.7(f) to submit an alternative test method to EPA for approval.

(4) *Information from the supplier or manufacturer of the material.* Information from sources such as manufacturer's formulation data is permitted if it represents each organic HAP that is present at 0.1 percent by mass or more for OSHA defined carcinogens as specified in 29 CFR 1910.1200(d)(4), and at 1.0 percent by mass or more for other organic HAP compounds. For example, if toluene (not an

OSHA carcinogen) is 0.5 percent of the material by mass, it is not counted. If there is a disagreement between such information and results of a test conducted according to paragraphs (a) (1) through (3) of this section, then the test method results will take precedence.

(5) *Solvent blends.* Solvent blends may be listed as single components for some materials in data provided by manufacturers or suppliers. Solvent blends may contain organic HAP which must be counted toward the total organic HAP mass fraction of the materials. When test data and manufacturer's data for solvent blends are not available, the owner or operator may use the default values for the mass fraction of organic HAP in these solvent blends listed in Table 3 or 4 to subpart RRRR (see "*Appendices 3 and 4*", below). If the tables are used, then the values in Table 3 must be used for all solvent blends that match Table 3 entries, and Table 4 is used only if the solvent blends in the materials do not match any of the solvent blends in Table 3 and it is only known that the blend is aliphatic or aromatic. However, if the results of a Method 311 test indicate higher values than those listed on Table 3 or 4 of this subpart, the Method 311 results will take precedence.

(b) *Determine the volume fraction of coating solids for each coating.*
The owner or operator shall determine the volume fraction of coating solids (liters of coating solids per liter of coating) for each coating used during the compliance period by a test or by information provided by the supplier or the manufacturer of the material, as specified in paragraphs (b)(1), (2), and (3) of this section. If test results obtained according to paragraph (b) (1) of this section do not agree with the information obtained under paragraph (b) (2) or (3) of this section, the test results will take precedence.

(1) *Test results.* The owner or operator may use ASTM Method D2697–86 (Reapproved 1998), ''Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings'' (incorporated by reference, see 40 CFR 63.14), or D6093–97, ''Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer'' (incorporated by reference, see 40 CFR 63.14), to determine the volume fraction of coating solids for each coating. Divide the nonvolatile volume percent obtained with the methods by 100 to calculate volume fraction of coating solids. Alternatively, the owner or operator may use another test method once approved by the EPA according to the requirements of 40 CFR 63.7(f).

(2) *Information from the supplier or manufacturer of the material.* The owner or operator may obtain the volume fraction of coating solids for each coating from the supplier or manufacturer.

(3) *Calculation of volume fraction of coating solids.* If the volume fraction of coating solids cannot be determined using the options in paragraphs (b) (1) and (2) of this section, the owner or operator must determine it using Equation 2 of this section:

$$V_s = 1 - \frac{M_{volatiles}}{D_{avg}} \qquad \text{(Eq. 2)}$$

Where:
V_s = Volume fraction of coating solids, liters coating solids per liter coating.
$M_{volatiles}$ = Total volatile matter content of the coating, including HAP, volatile organic compounds (VOC), water, and exempt compounds, determined according to Method 24 in appendix A of 40 CFR part 60, grams volatile matter per liter coating.
D_{avg} = Average density of volatile matter in the coating, grams volatile matter per liter volatile matter, determined from test results using ASTM Method D1475–90, information from the supplier or manufacturer of the material, or reference sources providing density or specific gravity data for pure materials. If there is disagreement between ASTM Method D1475–90 test results and other information sources, the test results will take precedence.

(c) *Determine the density of each coating.* The owner or operator shall determine the density of each coating used during the compliance period from test results using ASTM Method D1475–90 or information from the supplier or manufacturer of the material. If there is disagreement between ASTM Method D1475–90 test results and the supplier's or manufacturer's information, the test results will take precedence.

(d) *Calculate the organic HAP content of each coating.* Calculate the organic HAP content, kg organic HAP per liter coating solids, of each coating used during the compliance period, using Equation 3 of this section, except that if the mass fraction of organic HAP in the coating equals zero, then the organic HAP content also equals zero and you are not required to use Equation 3 to calculate the organic HAP content.

$$H_c = \frac{(D_c)(W_c)}{V_s} \qquad \text{(Eq. 3)}$$

Where:
H_c = Organic HAP content of the coating, kg organic HAP per liter coating solids.
D_c = Density of coating, kg coating per liter coating, determined according to paragraph (c) of this section.
W_c = Mass fraction of organic HAP in the coating, kg organic HAP per kg coating, determined according to paragraph (a) of this section.
V_s = Volume fraction of coating solids, liter coating solids per liter coating, determined according to paragraph (b) of this section.

(e) *Compliance demonstration.* The calculated organic HAP content for each coating used during the initial compliance period must be less than or equal to the HAP emission limit (see "*Emission Limitations and Standards*", above), and each thinner and cleaning material used during the initial compliance period must contain no organic HAP, determined according to paragraph (a) of this section.
[40 CFR 63.4940 and 63.4941]

A.7. Continuous Compliance with the HAP Emission Limit after the Initial Compliance Period.
(a) Following the initial compliance period, the owner or operator shall complete a compliance demonstration according to the requirements in 40 CFR 63.4941(e) (see

"*Compliance with the HAP Emission Standard*") for each subsequent compliance period. 40 CFR 63.4941(e) requires the calculated organic HAP content for each coating used must be less than or equal to the HAP emission limit, and each thinner and cleaning material used contain no organic HAP. Each subsequent compliance period is each month following the initial compliance period.

(b) The use of any coating, thinner, or cleaning material that does not meet the criteria specified in paragraph (a) of this section is a deviation from the emission limitations that must be reported as specified in 40 CFR 63.4910(c)(6) (see "*General Notification*", below) and 40 CFR 63.4920(a)(5) (see "*Reports*", below).

(c) As part of each semiannual compliance report required by 40 CFR 63.4920 (see "*Reports*", below), the owner or operator shall identify the coating operation or group of coating operations for which the compliant material option was used. If there were no deviations from the HAP emission limit in 40 CFR 63.4890 (see "*Emission Limitations and Standards*", above), the owner or operator shall submit an affirmative statement that the coating operation or group of coating operations was in compliance with the emission limitations during the reporting period because no coating was used for which the organic HAP content exceeded the emission limit, and no thinner or cleaning material that contained organic HAP was used.

(d) The owner or operator shall maintain records as specified in 40 CFR 63.4930 (see "*Records*", below) and 40 CFR 63.4931 (see "*Recordkeeping – Format and Duration*", below).

[40 CFR 63.4942]

A.8. Compliance with the VOC Standard. The owner or operator using low solvent content coating technology to achieve the VOC standard (3.0 pounds per gallon of coating, excluding water, delivered to the coating applicator from prime and topcoat or single-coat operations) shall use EPA Method 24 or EPA 450/3-84-01 to determine the VOC content in coatings and solvents. The Administrator may accept, instead of the coating analysis methods, a certification by the coating manufacturer of the composition of the coating if it is supported by actual batch formulation records. The manufacturer's certification shall be consistent with EPA's document number 450/3-84-019.
[Rule 62-296.505 (3) (a) & (4) (a), 62-296.500 (2) (b) 4 F.A.C.]

Notifications, Reports, and Records

A.9. General Notification. (a) The owner or operator shall submit the applicable notifications in 40 CFR40 63.9(b) through (d), (h), and (j) (see *Appendix 2*) by the dates specified in those sections, except as provided in paragraphs (b) and (c) of this section.

(b) *Initial Notification.* The owner or operator shall submit the Initial Notification no later than 1 year after May 23, 2003.

(c) *Notification of Compliance Status.* The owner or operator shall submit the Notification of Compliance Status required by 40 CFR 63.9(h) no later than 30 calendar days following the end of the initial compliance period (June 30, 2006). The Notification of Compliance Status must contain the information specified in

paragraphs (c)(1) through (9) of this section and the applicable information specified in 40 CFR 63.9(h) (see *Appendix 2*).

(1) Company name and address.

(2) Statement by a responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the report. Such certifications shall also comply with the requirements of 40 CFR 70.5(d) or 40 CFR 71.5(d) (i.e. *permit applications*).

(3) Date of the report and beginning and ending dates of the reporting period. The reporting period is the initial compliance period.

(4) Identification of the compliance option or options specified in 40 CFR 63.4891 that was used on each coating operation in the affected source during the initial compliance period, and the compliance option or options that will be used for demonstrating continuous compliance.

(5) Statement of whether or not the affected source achieved the emission limitations for the initial compliance period.

(6) If the affected source had a deviation, include the information in paragraphs (c) (6) (i) and (ii) of this section.
   (i) A description and statement of the cause of the deviation.
   (ii) If the affected source failed to meet the applicable emission HAP limit (see "*Emission Limitations and Standards*", above), include all the calculations used to determine compliance. It is not required to submit information provided by material suppliers or manufacturers or test reports.

(7) For each of the data items listed in paragraphs (c)(7)(i) through (iv) of this section that is required by the compliance option(s) used to demonstrate compliance with the emission limit, include an example of how the value is determined, including calculations and supporting data. Supporting data can include a copy of the information provided by the supplier or manufacturer of the example coating or material or a summary of the results of testing conducted according to 40 CFR 63.4941(a), (b), or (c) (see "*Compliance with the HAP Emission Standard*"). It is not required to submit copies of any test reports.
   (i) Mass fraction of organic HAP for one coating, for one thinner, and for one cleaning material.
   (ii) Volume fraction of coating solids for one coating.
   (iii) Density for one coating, one thinner, and one cleaning material, except that if the compliant material option is used, only the example coating density is required.
   (iv) The amount of waste materials and the mass of organic HAP contained in the waste materials for which the affected source is claiming an allowance in Equation 2.

(8) The calculation of the organic HAP emission rate for the compliance option(s) used, as specified in paragraphs (c) (8) (i) through (iii) of this section.

(i) For the compliant materials option, provide an example calculation of the organic HAP content for one coating, using Equation 3 (see, "*Calculate the organic HAP content of each coating*", above).
(ii), (iii) [Reserved]

(9) [Reserved]
[40 CFR 63.4910]

A.10. Reports. The owner or operator shall conduct the reporting requirements in this section and in the applicable sections of 40 CFR 63.10 (see *Appendix 2*).

(a) *Semiannual compliance reports.* The owner or operator shall submit semiannual compliance reports for each affected source according to the requirements of paragraphs (a) (1) through (7) of this section. The semiannual compliance reporting requirements may be satisfied by reports required under other parts of the Clean Air Act (CAA), such as those detailed in paragraph (a) (2) of this section.

(1) *Dates.* Unless the Administrator has approved a different schedule for submission of reports under 40 CFR 63.10(a), the owner or operator shall prepare and submit each semiannual compliance report according to the dates specified in paragraphs (a)(1)(i) through (iv) of this section.
(i) The first semiannual compliance report shall cover the first semiannual reporting period which begins the day after the end of the initial compliance period and ends on June 30 or December 31, whichever occurs first following the end of the initial compliance period.
(ii) Each subsequent semiannual compliance report shall cover the subsequent semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.
(iii) Each semiannual compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period.
(iv) For each affected source that is subject to permitting regulations pursuant to 40 CFR part 70 or 40 CFR part 71 (i.e. *permit applications)*, and if the permitting authority has established dates for submitting 6-month monitoring reports pursuant to 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), the owner or operator may submit the first and subsequent semiannual compliance reports according to the dates the permitting authority has established for the 40 CFR part 70 or 40 CFR part 71 6-month monitoring reports instead of according to the dates specified in paragraph (a)(1)(iii) of this section. However, under no circumstances shall the semiannual compliance report be submitted more than 30 days after the end of the semiannual reporting period established in paragraphs (a)(1)(i) and (ii) of this section.

(2) *Inclusion with title V report.* Each affected source that has obtained a title V operating permit pursuant to 40 CFR part 70 or 40 CFR part 71 (i.e. *permit applications)*, must report all deviations as defined in this subpart in the 6-month monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A). If an affected source submits a semiannual compliance report pursuant to this section along with, or as part of, the 6-month monitoring report

required by 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), and the semiannual compliance report includes all information required by the part 70 or part 71 6-month monitoring report concerning deviations from the requirements of this subpart as defined in 40 CFR 63.4981, the submission of the semiannual compliance report shall be deemed to satisfy any obligation to report the same deviation information in the part 70 or part 71 6-month monitoring report. However, in such situations, the 6-month monitoring report must cross-reference the semiannual compliance report, and submission of a semiannual compliance report shall not otherwise affect any obligation the affected source may have to report deviations from permit requirements to the permitting authority.

(3) *General requirements.* The semiannual compliance report must contain the information specified in paragraphs (a) (3) (i) through (v) of this section, and the information specified in paragraphs (a) (4) through (7) and (c) (1) of this section that is applicable to your affected source.
(i) Company name and address.
(ii) Statement by a responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the report. Such certifications must also comply with the requirements of 40 CFR 70.5(d) or 40 CFR 71.5(d)
(iii) Date of report and beginning and ending dates of the reporting period. The reporting period is the 6-month period ending on June 30 or December 31.
(iv) Identification of the compliance option (or options) specified in 40 CFR 63.4891 that were used on each coating operation during the reporting period. If the owner or operator switched between compliance options during the reporting period, the report must include the beginning and ending dates each option was used.
(v) [Reserved].

(4) *No deviations.* If there were no deviations from the applicable emission limits using the compliant material option, the semiannual compliance report must include an affirmative statement that there were no deviations from the emission limitations during the reporting period. If there were no deviations from the emission limit (see "*Emission Limitations and Standards*", above), the semiannual compliance report must include the affirmative statement that is described in 63.4942(c) (see "*Continuous Compliance with the HAP Emission Limit*", above).

(5) *Deviations: compliant material option.* If there was a deviation from the applicable emission limit in 40 CFR 63.4890 while using the compliant material option, the semiannual compliance report must contain the information in paragraphs (a)(5)(i) through (iv) of this section.
(i) Identification of each coating used that deviated from the emission limit, and of each thinner and cleaning material used that contained organic HAP, and the dates and time periods each was used.
(ii) The calculation of the organic HAP content for each coating identified in paragraph (a) (5) (i) of this section, using Equation 3. It is not required to submit background data supporting this calculation, for example, information provided by materials suppliers or manufacturers, or test reports.
(iii) The determination of mass fraction of organic HAP for each coating, thinner, and cleaning material identified in paragraph (a)(5)(i) of this section. It is not

required to submit background data supporting this calculation, for example, information provided by materials suppliers or manufacturers, or test reports.

(iv) A statement of the cause of each deviation.

(6) [Reserved]

(7) [Reserved]

[40 CFR 63.4920]

A.11. Records. The owner or operator shall collect and keep records of the data and information specified in this section and in the applicable sections of 40 CFR 63.10 (see *Appendix 2*). Failure to collect and keep these records is a deviation from the applicable standard.

(a) *Notifications and reports.* A copy of each notification and report that you submitted to comply with this subpart, and the documentation supporting each notification and report.

(b) *A current copy of information provided by materials suppliers or manufacturers.* This would include information such as manufacturer's formulation data for the materials used, or test data used to determine the mass fraction of organic HAP and density for each coating, thinner, and cleaning material and the volume fraction of coating solids for each coating. If testing was conducted to determine mass fraction of organic HAP, density, or volume fraction of coating solids, the owner or operator shall keep a copy of the complete test report. If the information provided by the manufacturer or supplier of the material that was based on testing, the owner or operator shall keep the summary sheet of results provided by the manufacturer or supplier. It is not required to obtain the test report or other supporting documentation from the manufacturer or supplier.

(c) *For each compliance period, the records specified in paragraphs (c) (1) through (4) of this section.*

(1) A record of the coating operations at which each compliance option was used, and the time periods (beginning and ending dates and times) when each option was used.

(2) For the compliant material option, a record of the calculation of the organic HAP content for each coating, using Equation 3.

(3) - (4) [Reserved].

(d) *Material name and volume.* A record of the name and volume of each coating, thinner, and cleaning material used during each compliance period.

(e) *Organic HAP.* A record of the mass fraction of organic HAP for each coating, thinner, and cleaning material used during each compliance period.

(f) *Coating solids.* A record of the volume fraction of coating solids for each coating used during each compliance period.

(g) *Density of coatings.* Records of density for each coating used during each compliance period.

(h) *Allowance for waste materials.* If an allowance was used in Equation 2 (see "*Calculation of volume fraction of coating solids*", above) for organic HAP contained in waste materials sent to or designated for shipment to a TSDF according to 40 CFR 63.4951(e) (4) (see, "*Calculate the mass of organic HAP emissions*", above), the owner or operator shall keep records of the information specified in paragraphs (h) (1) through (3) of this section.

(1) The name and address of each TSDF to which waste materials was sent for which an allowance was used in Equation 2, a statement of which subparts under 40 CFR parts 262, 264, 265, and 266 apply to the facility, and the date of each shipment.

(2) Identification of the coating operations producing waste materials included in each shipment and the month or months in which allowance for these materials was included in Equation 2.

(3) The methodology used in accordance with 40 CFR 63.4951(e)(4) (see, "*Calculate the mass of organic HAP emissions*", above), to determine the total amount of waste materials sent to or the amount collected, stored, and designated for transport to a TSDF each month; and the methodology to determine the mass of organic HAP contained in these waste materials. This must include the sources for all data used in the determination, methods used to generate the data, frequency of testing or monitoring, and supporting calculations and documentation, including the waste manifest for each shipment.

(i) [Reserved]

(j) The owner or operator shall keep records of the date, time, and duration of each deviation.

(k) [Reserved]
[40 CFR 63.4930]

A.12. Recordkeeping – Format and Duration.

(a) The records must be in a form suitable and readily available for expeditious review, according to 40 CFR 63.10(b) (1) (see *Appendix 2*). Where appropriate, the records may be maintained as electronic spreadsheets or as a database.

(b) As specified in 40 CFR 63.10(b)(1) (see *Appendix 2*), records shall be kept for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(c) Records shall be kept on-site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to 40 CFR 63.10(b)(1) (see *Appendix 2*).. Records may be kept off-site for the remaining 3 years.
[40 CFR 63.4931]

A.13. Coatings and Solvents Usage. The owner or operator shall maintain daily records of coatings and solvents used in surface coating operations for the most recent two year period. The records shall be made available to the local, state, or federal air pollution agency upon request. The records shall include, but not be limited to, the following:

a. The application method.
b. The date, amount and type of coatings and solvents used.

c. The VOC content of coatings as applied along with copies of EPA method 24 data sheets or certification by the coating manufacturer of the composition of the coating if it is supported by actual batch formulation records.
d. The amount of clean-up, wash-up solvent (Xylene) including exempt compounds used and the VOC content of each solvent.

[Rule 62-296.500(2) (b) 1, (a) F.A.C.]

Appendix 1

Partial List of Definitions (40 CFR 63.4981, Subpart RRRR)

Cleaning material means a solvent used to remove contaminants and other materials, such as dirt, grease, oil, and dried or wet coating (*e.g.*, depainting), from a substrate before or after coating application or from equipment associated with a coating operation, such as spray booths, spray guns, racks, tanks, and hangers. Thus, it includes any cleaning material used on substrates or equipment or both.

Coating means a material applied to a substrate for decorative, protective, or functional purposes. Such materials include, but are not limited to, paints, sealants, caulks, inks, adhesives, and maskants. Decorative, protective, or functional materials that consist only of protective oils for metal, acids, bases, or any combination of these substances are not considered coatings for the purposes of this subpart.

Coating operation means equipment used to apply cleaning materials to a substrate to prepare it for coating application or to remove dried or wet coating (surface preparation); to apply coating to a substrate (coating application) and to dry or cure the coating after application; and to clean coating operation equipment (equipment cleaning). A single coating operation may include any combination of these types of equipment, but always includes at least the point at which a coating or cleaning material is applied and all subsequent points in the affected source where organic HAP emissions from that coating or cleaning material occur. There may be multiple coating operations in an affected source. Coating application with hand-held nonrefillable aerosol containers, touchup markers, or marking pens is not a coating operation for the purposes of this subpart.

Coating solids means the nonvolatile portion of the coating that makes up the dry film.

Deviation means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart including, but not limited to, any emission limit, or operating limit, or work practice standard;

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or

(3) Fails to meet any emission limit, or operating limit, or work practice standard in this subpart during startup, shutdown, or malfunction, regardless of whether or not such failure is allowed by this subpart.

Emission limitation means an emission limit, operating limit, or work practice standard.

Exempt compound means a specific compound that is not considered a VOC due to negligible photochemical reactivity. The exempt compounds are listed in 40 CFR 51.100(s).

Manufacturer's formulation data means data on a material (such as a coating) that are supplied by the material manufacturer based on knowledge of the ingredients used to manufacture that material, rather than based on testing of the material with the test methods specified in 40 CFR 63.4941(a)(1) through (3) (see "*Compliance with the HAP Emission Standard*"). Manufacturer's formulation data may include, but are not limited to, information on density, organic HAP content, volatile organic matter content, and coating solids content.

Mass fraction of coating solids means the ratio of the mass of coating solids to the mass of a coating in which it is contained, expressed as kg of coating solids per kg of coating.

Mass fraction of organic HAP means the ratio of the mass of organic HAP to the mass of a material in which it is contained, expressed as kg of organic HAP per kg of material.

Organic HAP content means the mass of organic HAP per volume of coating solids for a coating, calculated using Equation 3. The organic HAP content is determined for the coating in

the condition it is in when received from its manufacturer or supplier and does not account for any alteration after receipt.

Surface preparation means use of a cleaning material on a portion of or all of a substrate. This includes use of a cleaning material to remove dried coating, which is sometimes called ''depainting'' or ''paint stripping,'' for the purpose of preparing a substrate for coating application.

Thinner means an organic solvent that is added to a coating after the coating is received from the supplier.

Total volatile hydrocarbon (TVH) means the total amount of nonaqueous volatile organic matter determined according to Methods 204 and 204A through 204F of appendix M to 40 CFR part 51 and substituting the term TVH each place in the methods where the term VOC is used. The TVH includes both VOC and non-VOC.

Uncontrolled coating operation means a coating operation from which none of the organic HAP emissions are routed through an emission capture system and add-on control device.

Volatile organic compound (VOC) means any compound defined as VOC in 40 CFR 51.100(s).

Volume fraction of coating solids means the ratio of the volume of coating solids (also known as volume of nonvolatiles) to the volume of coating, expressed as liters of coating solids per liter of coating.

Appendix 2

Table 2 to Subpart RRRR of Part 63.—Applicability of General Provisions to Subpart RRRR (Edited for the Compliant Material Option for Demonstrating Compliance)

Citation	Subject
63.1(a)(1)-(14)	General Applicability
63.1(b)(1)-(3)	Initial Applicability Determination
63.1(c)(1)	Applicability After Standard Established
63.1(c)(4)-(5)	Extensions and Notifications
63.1(e)	Applicability of Permit Program Before Relevant Standard is Set
63.2	Definitions
63.3(a)-(c)	Units and Abbreviations
63.4(a)(1)-(5)	Prohibited Activities
63.4(b)-(c)	Circumvention/ Severability
63.5(a)	Construction/ Reconstruction
63.5(b)(1)-(6)	Requirements for Existing, Newly Constructed, and Reconstructed Sources
63.5(d)	Application for Approval of Construction/ Reconstruction
63.5(e)	Approval of Construction/ Reconstruction
63.5(f)	Approval of Construction/ Reconstruction Based on Prior State Review
63.6(a)	Compliance With Standards and Maintenance Requirements - Applicability
63.6(b)(1)-(7)	Compliance Dates for New and Reconstructed Sources
63.6(c)(1)-(5)	Compliance Dates for Existing Sources
63.6(e)(1)-(2)	Operation and Maintenance
63.6(f)(2)-(3)	Methods for Determining Compliance
63.6(g)(1)-(3)	Use of Alternative Standards
63.6(i)(1)-(16)	Extension of Compliance
63.6(j)	Presidential Compliance Exemption
63.9(a)-(d)	Notification Requirements
63.9 (h)	Notification of Compliance Status
63.9(i)	Adjustment of Submittal Deadlines
63.9(j)	Change in Previous Information
63.10(a)	Recordkeeping/Reporting Applicability and General Information
63.10(b)(1) 63.10(b)(2)(vi)-(xi)	General Recordkeeping Requirements
63.10(b)(2)(xii) 63.10(b)(2)(xiv)	Records
63.10(b)(3) 63.10(c)(9)-(15)	Recordkeeping Requirements for Applicability Determinations
63.10(d)(1)	General Reporting Requirements
63.10(f)	Recordkeeping/ Reporting Waiver
63.12	State Authority and Delegations
63.13	Addresses
63.14	Incorporation by Reference
63.15	Availability of Information/ Confidentiality

40 CFR 63.4 Prohibited Activities And Circumvention

(a) *Prohibited activities.*

(1) No owner or operator subject to the provisions of this part must operate any affected source in violation of the requirements of this part. Affected sources subject to and in compliance with either an extension of compliance or an exemption from compliance is not in violation of the requirements of this part. An extension of compliance can be granted by the Administrator under this part; by a State with an approved permit program; or by the President under section 112(i)(4) of the Act.

(2) No owner or operator subject to the provisions of this part shall fail to keep records, notify, report, or revise reports as required under this part.

(b) *Circumvention.* No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment, or process to conceal an emission that would otherwise constitute noncompliance with a relevant standard. Such concealment includes, but is not limited to

(1) The use of diluents to achieve compliance with a relevant standard based on the concentration of a pollutant in the effluent discharged to the atmosphere;

(2) The use of gaseous diluents to achieve compliance with a relevant standard for visible emissions; and

(3) [Reserved]

(c) *Severability.* Notwithstanding any requirement incorporated into a title V permit obtained by an owner or operator subject to the provisions of this part, the provisions of this part are federally enforceable.

40 CFR 63.6 Compliance With Standards And Maintenance Requirements

(a) *Applicability.*

(1) The requirements in this section apply to the owner or operator of affected sources for which any relevant standard has been established pursuant to section 112 of the Act and the applicability of such requirements is set out in accordance with 40 CFR 63.1(a)(4) unless --

(i) The Administrator (or a State with an approved permit program) has granted an extension of compliance consistent with paragraph (i) of this section; or

(ii) The President has granted an exemption from compliance with any relevant standard in accordance with section 112(i)(4) of the Act.

(2) If an area source that otherwise would be subject to an emission standard or other requirement established under this part if it were a major source subsequently increases its emissions of hazardous air pollutants (or its potential to emit hazardous air pollutants) such that the source is a major source, such source shall be subject to the relevant emission standard or other requirement.

(b) [Reserved]

(c) *Compliance dates for existing sources.* Section 63.4883 specifies the compliance dates.

(d) – (h) [Reserved]

(i) *Extension of compliance with emission standards.*

(1) Until an extension of compliance has been granted by the Administrator under this paragraph, the owner or operator of an affected source subject to the requirements of this section shall comply with all applicable requirements of this part.

(2) *Extension of compliance for early reductions and other reductions*

(i) *Early reductions.* Pursuant to section 112(i)(5) of the Act, if the owner or operator of an existing source demonstrates that the source has achieved a reduction in emissions of hazardous air pollutants in accordance with the provisions of subpart D of this part, the Administrator (or the State with an approved permit program) will grant the owner or operator an extension of compliance with specific requirements of this part, as specified in subpart D.

(ii) *Other reductions.* Pursuant to section 112(i)(6) of the Act, if the owner or operator of an existing source has installed best available control technology (BACT) (as defined in section 169(3) of the Act) or technology required to meet a lowest achievable emission rate (LAER) (as defined in section 171 of the Act) prior to the promulgation of an emission standard in this part applicable to such source and the same pollutant (or stream of pollutants) controlled pursuant to the BACT or LAER installation, the Administrator will grant the owner or operator an extension of compliance with such emission standard that will apply until the date 5 years after the date on which such installation was achieved, as determined by the Administrator.

(3) *Request for extension of compliance.* Paragraphs (i)(4) through (i)(7) of this section concern requests for an extension of compliance with a relevant standard under this part (except requests for an extension of compliance under paragraph (i)(2)(i) of this section will be handled through procedures specified in subpart D of this part).

(4) (i) (A) The owner or operator of an existing source who is unable to comply with a relevant standard established under this part pursuant to section 112(d) of the Act may request that the Administrator (or a State, when the State has an approved part 70 permit program and the source is required to obtain a part 70 permit under that program, or a State, when the State has been delegated the authority to implement and enforce the emission standard for that source) grant an extension allowing the source up to 1 additional year to comply with the standard, if such additional period is necessary for the installation of controls. An additional extension of up to 3 years may be added for mining waste operations, if the 1-year extension of compliance is insufficient to dry and cover mining waste in order to reduce emissions of any hazardous air pollutant. The owner or operator of an affected source who has requested an extension of compliance under this paragraph and who is otherwise required to obtain a title V permit shall apply for such permit or apply to have the source's title V permit revised to incorporate the conditions of the extension of compliance. The conditions of an extension of compliance granted under this paragraph will be incorporated into the affected source's title V permit according to the provisions of part 70 or Federal title V regulations in this chapter (42 U.S.C. 7661), whichever are applicable.

(B) Any request under this paragraph for an extension of compliance with a relevant standard must be submitted in writing to the appropriate authority no later than 120 days prior to the affected source's compliance date (as specified in paragraphs (b) and (c) of this section), except as provided for in paragraph (i)(4)(i)(C) of this section. Nonfrivolous requests submitted under this paragraph will stay the applicability of the rule as to the emission points in question until such time as the request is granted or denied. A denial will be effective as of the date of denial. Emission standards established under this part may specify alternative dates for the submittal of requests for an extension of compliance if alternatives are appropriate for the source categories affected by those standards.

(C) An owner or operator may submit a compliance extension request after the date specified in paragraph (i)(4)(i)(B) of this section provided the need for the compliance extension arose after that date, and before the otherwise applicable compliance date and the need arose due to circumstances beyond reasonable control of the owner or operator.

This request must include, in addition to the information required in paragraph (i)(6)(i) of this section, a statement of the reasons additional time is needed and the date when the owner or operator first learned of the problems. Nonfrivolous requests submitted under this paragraph will stay the applicability of the rule as to the emission points in question until such time as the request is granted or denied. A denial will be effective as of the original compliance date.

(ii) The owner or operator of an existing source unable to comply with a relevant standard established under this part pursuant to section 112(f) of the Act may request that the Administrator grant an extension allowing the source up to 2 years after the standard's effective date to comply with the standard. The Administrator may grant such an extension if he/she finds that such additional period is necessary for the installation of controls and that steps will be taken during the period of the extension to assure that the health of persons will be protected from imminent endangerment. Any request for an extension of compliance with a relevant standard under this paragraph must be submitted in writing to the Administrator not later than 90 calendar days after the effective date of the relevant standard.

(5) The owner or operator of an existing source that has installed BACT or technology required to meet LAER [as specified in paragraph (i)(2)(ii) of this section] prior to the promulgation of a relevant emission standard in this part may request that the Administrator grant an extension allowing the source 5 years from the date on which such installation was achieved, as determined by the Administrator, to comply with the standard. Any request for an extension of compliance with a relevant standard under this paragraph shall be submitted in writing to the Administrator not later than 120 days after the promulgation date of the standard. The Administrator may grant such an extension if he or she finds that the installation of BACT or technology to meet LAER controls the same pollutant (or stream of pollutants) that would be controlled at that source by the relevant emission standard.

(6) (i) The request for a compliance extension under paragraph (i)(4) of this section shall include the following information:

(A) A description of the controls to be installed to comply with the standard;

(B) A compliance schedule, including the date by which each step toward compliance will be reached. At a minimum, the list of dates shall include:

(*1*) The date by which on-site construction, installation of emission control equipment, or a process change is planned to be initiated; and

(*2*) The date by which final compliance is to be achieved;

(C) [Reserved]

(D) [Reserved]

(ii) The request for a compliance extension under paragraph (i)(5) of this section shall include all information needed to demonstrate to the Administrator's satisfaction that the installation of BACT or technology to meet LAER controls the same pollutant (or stream of pollutants) that would be controlled at that source by the relevant emission standard.

(7) Advice on requesting an extension of compliance may be obtained from the Administrator (or the State with an approved permit program).

(8) *Approval of request for extension of compliance.* Paragraphs (i)(9) through (i)(14) of this section concern approval of an extension of compliance requested under paragraphs (i)(4) through (i)(6) of this section.

(9) Based on the information provided in any request made under paragraphs (i)(4) through (i)(6) of this section, or other information, the Administrator (or the State with an approved permit program) may grant an extension of compliance with an emission standard, as specified in paragraphs (i)(4) and (i)(5) of this section.

(10) The extension will be in writing and will -

(i) Identify each affected source covered by the extension;

(ii) Specify the termination date of the extension;

(iii) Specify the dates by which steps toward compliance are to be taken, if appropriate;

(iv) Specify other applicable requirements to which the compliance extension applies (e.g., performance tests); and

(v) (A) Under paragraph (i)(4), specify any additional conditions that the Administrator (or the State) deems necessary to assure installation of the necessary controls and protection of the health of persons during the extension period; or

(B) Under paragraph (i)(5), specify any additional conditions that the Administrator deems necessary to assure the proper operation and maintenance of the installed controls during the extension period.

(11) The owner or operator of an existing source that has been granted an extension of compliance under paragraph (i)(10) of this section may be required to submit to the Administrator (or the State with an approved permit program) progress reports indicating whether the steps toward compliance outlined in the compliance schedule have been reached. The contents of the progress reports and the dates by which they shall be submitted will be specified in the written extension of compliance granted under paragraph (i)(10) of this section.

(12) (i) The Administrator (or the State with an approved permit program) will notify the owner or operator in writing of approval or intention to deny approval of a request for an extension of compliance within 30 calendar days after receipt of sufficient information to evaluate a request submitted under paragraph (i)(4)(i) or (i)(5) of this section. The Administrator (or the State) will notify the owner or operator in writing of the status of his/her application, that is, whether the application contains sufficient information to make a determination, within 30 calendar days after receipt of the original application and within 30 calendar days after receipt of any supplementary information that is submitted. The 30-day approval or denial period will begin after the owner or operator has been notified in writing that his/her application is complete.

(ii) When notifying the owner or operator that his/her application is not complete, the Administrator will specify the information needed to complete the application and provide notice of opportunity for the applicant to present, in writing, within 30 calendar days after he/she is notified of the incomplete application, additional information or arguments to the Administrator to enable further action on the application.

(iii) Before denying any request for an extension of compliance, the Administrator (or the State with an approved permit program) will notify the owner or operator in writing of the Administrator's (or the State's) intention to issue the denial, together with -

(A) Notice of the information and findings on which the intended denial is based; and

(B) Notice of opportunity for the owner or operator to present in writing, within 15 calendar days after he/she is notified of the intended denial, additional information or arguments to the Administrator (or the State) before further action on the request.

(iv) The Administrator's final determination to deny any request for an extension will be in writing and will set forth the specific grounds on which the denial is based. The final determination will be made within 30 calendar days after presentation of additional information or argument (if the application is complete), or within 30 calendar days after the final date specified for the presentation if no presentation is made.

(13) (i) The Administrator will notify the owner or operator in writing of approval or intention to deny approval of a request for an extension of compliance within 30 calendar days after receipt of sufficient information to evaluate a request submitted under paragraph (i)(4)(ii) of this section. The 30-day approval or denial period will begin after the owner or operator has been notified in writing that his/her application is complete. The Administrator (or the State) will notify the owner or operator in writing of the status of his/her application, that is, whether

the application contains sufficient information to make a determination, within 15 calendar days after receipt of the original application and within 15 calendar days after receipt of any supplementary information that is submitted.

(ii) When notifying the owner or operator that his/her application is not complete, the Administrator will specify the information needed to complete the application and provide notice of opportunity for the applicant to present, in writing, within 15 calendar days after he/she is notified of the incomplete application, additional information or arguments to the Administrator to enable further action on the application.

(iii) Before denying any request for an extension of compliance, the Administrator will notify the owner or operator in writing of the Administrator's intention to issue the denial, together with -

(A) Notice of the information and findings on which the intended denial is based; and

(B) Notice of opportunity for the owner or operator to present in writing, within 15 calendar days after he/she is notified of the intended denial, additional information or arguments to the Administrator before further action on the request.

(iv) A final determination to deny any request for an extension will be in writing and will set forth the specific grounds on which the denial is based. The final determination will be made within 30 calendar days after presentation of additional information or argument (if the application is complete), or within 30 calendar days after the final date specified for the presentation if no presentation is made.

(14) The Administrator may terminate an extension of compliance at an earlier date than specified if any specification under paragraph (i)(10)(iii) or (iv) of this section is not met. Upon a determination to terminate, the Administrator will notify, in writing, the owner or operator of the Administrator's determination to terminate, together with:

(i) Notice of the reason for termination; and

(ii) Notice of opportunity for the owner or operator to present in writing, within 15 calendar days after he/she is notified of the determination to terminate, additional information or arguments to the Administrator before further action on the termination.

(iii) A final determination to terminate an extension of compliance will be in writing and will set forth the specific grounds on which the termination is based. The final determination will be made within 30 calendar days after presentation of additional information or arguments, or within 30 calendar days after the final date specified for the presentation if no presentation is made.

(15) [Reserved]

(16) The granting of an extension under this section shall not abrogate the Administrator's authority under section 114 of the Act.

(j) *Exemption from compliance with emission standards.* The President may exempt any stationary source from compliance with any relevant standard established pursuant to section 112 of the Act for a period of not more than 2 years if the President determines that the technology to implement such standard is not available and that it is in the national security interests of the United States to do so. An exemption under this paragraph may be extended for 1 or more additional periods, each period not to exceed 2 years.

<u>40 CFR 63.9 Notification Requirements</u>

(a) *Applicability and general information.*

(1) The applicability of this section is set out in 40 CFR 63.1(a)(4).

(2) For affected sources that have been granted an extension of compliance under subpart D of this part, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.

(3) If any State requires a notice that contains all the information required in a notification listed in this section, the owner or operator may send the Administrator a copy of the notice sent to the State to satisfy the requirements of this section for that notification.

(4) (i) Before a State has been delegated the authority to implement and enforce notification requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit notifications to the appropriate Regional Office of the EPA (to the attention of the Director of the Division indicated in the list of the EPA Regional Offices in 40 CFR 63.13).

(ii) After a State has been delegated the authority to implement and enforce notification requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit notifications to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each notification submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph (a)(4)(i) of this section. The Regional Office may waive this requirement for any notifications at its discretion.

(b) *Initial notifications.*

(1) (i) The requirements of this paragraph apply to the owner or operator of an affected source when such source becomes subject to a relevant standard.

(ii) If an area source that otherwise would be subject to an emission standard or other requirement established under this part if it were a major source subsequently increases its emissions of hazardous air pollutants (or its potential to emit hazardous air pollutants) such that the source is a major source that is subject to the emission standard or other requirement, such source shall be subject to the notification requirements of this section.

(iii) Affected sources that are required under this paragraph to submit an initial notification may use the application for approval of construction or reconstruction under 40 CFR 63.5(d) of this subpart, if relevant, to fulfill the initial notification requirements of this paragraph.

(2) The owner or operator of an affected source that has an initial startup before the effective date of a relevant standard under this part shall notify the Administrator in writing that the source is subject to the relevant standard. The notification, which shall be submitted not later than 120 calendar days after the effective date of the relevant standard (or within 120 calendar days after the source becomes subject to the relevant standard), shall provide the following information:

(i) The name and address of the owner or operator;

(ii) The address (i.e., physical location) of the affected source;

(iii) An identification of the relevant standard, or other requirement, that is the basis of the notification and the source's compliance date;

(iv) A brief description of the nature, size, design, and method of operation of the source and an identification of the types of emission points within the affected source subject to the relevant standard and types of hazardous air pollutants emitted; and

(v) A statement of whether the affected source is a major source or an area source.

(3) [Reserved]

(4) The owner or operator of a new or reconstructed major affected source for which an application for approval of construction or reconstruction is required under 40 CFR 63.5(d) must provide the following information in writing to the Administrator:

(i) A notification of intention to construct a new major-emitting affected source, reconstruct a major-emitting affected source, or reconstruct a major source such that the source becomes a major-emitting affected source with the application for approval of construction or reconstruction as specified in 40 CFR 63.5(d)(1)(i); and

(ii) [Reserved]

(iii) [Reserved]

(iv) [Reserved]; and

(v) A notification of the actual date of startup of the source, delivered or postmarked within 15 calendar days after that date.

(5) The owner or operator of a new or reconstructed affected source for which an application for approval of construction or reconstruction is not required under 40 CFR 63.5(d) must provide the following information in writing to the Administrator:

(i) A notification of intention to construct a new affected source, reconstruct an affected source, or reconstruct a source such that the source becomes an affected source, and

(ii) A notification of the actual date of startup of the source, delivered or postmarked within 15 calendar days after that date.

(iii) Unless the owner or operator has requested and received prior permission from the Administrator to submit less than the information in 40 CFR 63.5(d), the notification must include the information required on the application for approval of construction or reconstruction as specified in 40 CFR 63.5(d)(1)(i).

(c) *Request for extension of compliance.* If the owner or operator of an affected source cannot comply with a relevant standard by the applicable compliance date for that source, or if the owner or operator has installed BACT or technology to meet LAER consistent with 40 CFR 63.6(i)(5) of this subpart, he/she may submit to the Administrator (or the State with an approved permit program) a request for an extension of compliance as specified in 40 CFR 63.6(i)(4) through 40 CFR 63.6(i)(6).

(d) *Notification that source is subject to special compliance requirements.* An owner or operator of a new source that is subject to special compliance requirements as specified in 40 CFR 63.6(b)(3) and 40 CFR 63.6(b)(4) shall notify the Administrator of his/her compliance obligations not later than the notification dates established in paragraph (b) of this section for new sources that are not subject to the special provisions.

(e) – (g) [Reserved]

(h) *Notification of compliance status.* Section 63.4910 specifies the dates for submitting the notification of compliance status.

(1) The requirements of paragraphs (h)(2) through (h)(4)of this section apply when an affected source becomes subject to a relevant standard.

(2) (i) Before a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit to the Administrator a notification of compliance status, signed by the responsible official who shall certify its accuracy, attesting to whether the source has complied with the relevant standard. The notification shall list -

(A) The methods that were used to determine compliance;

(B) The results of any performance tests, opacity or visible emission observations, continuous monitoring system (CMS) performance evaluations, and/or other monitoring procedures or methods that were conducted;

compliance, including a description of monitoring and reporting requirements and test methods;

(D) The type and quantity of hazardous air pollutants emitted by the source (or surrogate pollutants if specified in the relevant standard), reported in units and averaging times and in accordance with the test methods specified in the relevant standard;

(E) If the relevant standard applies to both major and area sources, an analysis demonstrating whether the affected source is a major source (using the emissions data generated for this notification);

(F) A description of the air pollution control equipment (or method) for each emission p (C) The methods that will be used for determining continuing point, including each control device (or method) for each hazardous air pollutant and the control efficiency (percent) for each control device (or method); and

(G) A statement by the owner or operator of the affected existing, new, or reconstructed source as to whether the source has complied with the relevant standard or other requirements.

(ii) The notification must be sent before the close of business on the 60th day following the completion of the relevant compliance demonstration activity specified in the relevant standard (unless a different reporting period is specified in the standard, in which case the letter must be sent before the close of business on the day the report of the relevant testing or monitoring results is required to be delivered or postmarked). For example, the notification shall be sent before close of business on the 60th (or other required) day following completion of the initial performance test and again before the close of business on the 60th (or other required) day following the completion of any subsequent required performance test. If no performance test is required but opacity or visible emission observations are required to demonstrate compliance with an opacity or visible emission standard under this part, the notification of compliance status shall be sent before close of business on the 30th day following the completion of opacity or visible emission observations. Notifications may be combined as long as the due date requirement for each notification is met.

(3) After a title V permit has been issued to the owner or operator of an affected source, the owner or operator of such source shall comply with all requirements for compliance status reports contained in the source's title V permit, including reports required under this part. After a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit the notification of compliance status to the appropriate permitting authority following completion of the relevant compliance demonstration activity specified in the relevant standard.

(4) [Reserved]

(5) If an owner or operator of an affected source submits estimates or preliminary information in the application for approval of construction or reconstruction required in 40 CFR 63.5(d) in place of the actual emissions data or control efficiencies required in paragraphs (d)(1)(ii)(H) and (d)(2) of 40 CFR 63.5, the owner or operator shall submit the actual emissions data and other correct information as soon as available but no later than with the initial notification of compliance status required in this section.

(6) Advice on a notification of compliance status may be obtained from the Administrator.

(i) *Adjustment to time periods or postmark deadlines for submittal and review of required communications.*

(1) (i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (i)(2) and (i)(3) of this section, the owner or operator of an affected source remains strictly subject to the requirements of this part.

(ii) An owner or operator shall request the adjustment provided for in paragraphs (i)(2) and (i)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.

(2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.

(3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.

(4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

(j) *Change in information already provided.* Any change in the information already provided under this section shall be provided to the Administrator in writing within 15 calendar days after the change.

<u>40 CFR 63.10 Recordkeeping And Reporting Requirements</u>

(a) *Applicability and general information.*

(1) The applicability of this section is set out in 40 CFR 63.1(a)(4).

(2) For affected sources that have been granted an extension of compliance under subpart D of this part, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.

(3) If any State requires a report that contains all the information required in a report listed in this section, an owner or operator may send the Administrator a copy of the report sent to the State to satisfy the requirements of this section for that report.

(4) (i) Before a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit reports to the appropriate Regional Office of the EPA (to the attention of the Director of the Division indicated in the list of the EPA Regional Offices in 40 CFR 63.13).

(ii) After a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit reports to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each report submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph (a)(4)(i) of this section. The Regional Office may waive this requirement for any reports at its discretion.

(5) If an owner or operator of an affected source in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(is)

specified for such source under this part, the owner or operator may change the dates by which periodic reports under this part shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. For each relevant standard established pursuant to section 112 of the Act, the allowance in the previous sentence applies in each State beginning 1 year after the affected source's compliance date for that standard. Procedures governing the implementation of this provision are specified in 40 CFR 63.9(i).

(6) If an owner or operator supervises one or more stationary sources affected by more than one standard established pursuant to section 112 of the Act, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required for each source shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the latest compliance date for any relevant standard established pursuant to section 112 of the Act for any such affected source(s). Procedures governing the implementation of this provision are specified in 40 CFR 63.9(i).

(7) If an owner or operator supervises one or more stationary sources affected by standards established pursuant to section 112 of the Act (as amended November 15, 1990) and standards set under part 60, part 61, or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required by each relevant (i.e., applicable) standard shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the stationary source is required to be in compliance with the relevant section 112 standard, or 1 year after the stationary source is required to be in compliance with the applicable part 60 or part 61 standard, whichever is latest. Procedures governing the implementation of this provision are specified in 40 CFR 63.9(i).

(b) *General recordkeeping requirements.*

(1) The owner or operator of an affected source subject to the provisions of this part shall maintain files of all information (including all reports and notifications) required by this part recorded in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent 2 years of data shall be retained on site. The remaining 3 years of data may be retained off site. Such files may be maintained on microfilm, on a computer, on computer floppy disks, on magnetic tape disks, or on microfiche. Additional requirements are specified in 40 CFR40 CFR63.4930 and 63.4931.

(2) [Reserved]

(3) *Recordkeeping requirement for applicability determinations.* If an owner or operator determines that his or her stationary source that emits (or has the potential to emit, without considering controls) one or more hazardous air pollutants regulated by any standard established pursuant to section 112(d) or (f), and that stationary source is in the source category regulated by the relevant standard, but that source is not subject to the relevant standard (or other requirement established under this part) because of limitations on the source's potential to emit or an exclusion, the owner or operator must keep a record of the applicability determination on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination must be signed by the person making the determination and include an analysis (or other information) that demonstrates why the owner or operator believes the source is unaffected (e.g., because the source is an area source). The analysis (or other information) must be sufficiently detailed to allow the Administrator to make a finding about the source's applicability

status with regard to the relevant standard or other requirement. If relevant, the analysis must be performed in accordance with requirements established in relevant subparts of this part for this purpose for particular categories of stationary sources. If relevant, the analysis should be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under section 112, if any. The requirements to determine applicability of a standard under 40 CFR 63.1(b)(3) and to record the results of that determination under paragraph (b)(3) of this section shall not by themselves create an obligation for the owner or operator to obtain a title V permit.

(c) [Reserved]

(d) *General reporting requirements.*

(1) Not-withstanding the requirements in this paragraph or paragraph (e) of this section, the owner or operator of an affected source subject to reporting requirements under this part shall submit reports to the Administrator in accordance with the reporting requirements in the relevant standard(s). Additional requirements are specified in 40 CFR 63.4920.

(2) [Reserved]

(3) [Reserved]

(4) *Progress reports.* The owner or operator of an affected source who is required to submit progress reports as a condition of receiving an extension of compliance under 40 CFR 63.6(i) shall submit such reports to the Administrator (or the State with an approved permit program) by the dates specified in the written extension of compliance.

(5) [Reserved]

(e) [Reserved]

Appendix 3

Table 3 to Subpart RRRR of Part 63.--Default Organic HAP Mass Fraction for Solvents and Solvent Blends

[The owner or operator may use the mass fraction values in the following table for solvent blends in the absence of test data or manufacturer's formulation data.]

Solvent/Solvent blend	CAS. No.	Average organic HAP mass fraction	Typical organic HAP, percent by mass
1. Toluene	108-88-3	1.0	Toluene.
2. Xylene(s).	1330-20-7	1	Xylenes, ethyl benzene.
3. Hexane	110-54-3	0.5	n-hexane.
4. n-Hexane	110-54-3	1	n-hexane.
5. Ethyl benzene	100-41-4	1	Ethyl benzene.
6. Aliphatic 140.		0	None.
7. Aromatic 100		0.02	1% xylene, 1% cumene.
8. Aromatic 150		0.09	Naphthalene.
9. Aromatic naphtha	64742-95-6	0.02	1% xylene, 1% cumene.
10. Aromatic solvent.	64742-94-5	0.1	Naphthalene.
11. Exempt mineral spirits.	8032-32-4	0	None.
12. Ligroines (VM & P).	8032-32-4	0	None.
13. Lactol spirits.	64742-89-6	0.15	Toluene.
14. Low aromatic white spirit	64742-82-1	0	None.
15. Mineral spirits	64742-88-7	0.01	Xylenes.
16. Hydrotreated naphtha.	64742-48-9	0	None.
17. Hydrotreated light distillate	64742-47-8	0.001	Toluene.
18. Stoddard solvent.	8052-41-3	0.01	Xylenes.
19. Super high-flash naphtha.	64742-95-6	0.05	Xylenes.
20. Varsol[reg] solvent	8052-49-3	0.01	0.5% xylenes, 0.5% ethyl benzene.
21. VM & P naphtha.	64742-89-8	0.06	3% toluene, 3% xylene.
22. Petroleum distillate mixture.	68477-31-6	0.08	4% naphthalene, 4% biphenyl.

Appendix 4

Table 4 to Subpart RRRR of Part 63.-Default Organic HAP Mass Fraction for Petroleum Solvent Groups[1]

[The owner or operator may use the mass fraction values in the following table for solvent blends for which you do not have test data or manufacturer's formulation data.]

Solvent type	Average organic HAP mass fraction	Typical organic percent HAP, by mass
Aliphatic [2]	0.03	1% Xylene, 1% Toluene, and 1% Ethyl benzene.
Aromatic [3]	0.06	4% Xylene, 1% Toluene, and 1% Ethyl benzene.

1. Use this table only if the solvent blend does not match any of the solvent blends in Table 3 to this subpart and you only know whether the blend is aliphatic or aromatic.

2. E.g., Mineral Spirits 135, Mineral Spirits 150 EC, Naphtha, Mixed Hydrocarbon, Aliphatic Hydrocarbon, Aliphatic Naphtha, Naphthol Spirits, Petroleum Spirits, Petroleum Oil, Petroleum Naphtha, Solvent Naphtha, Solvent Blend.

3. E.g., Medium-flash Naphtha, High-flash Naphtha, Aromatic Naphtha, Light Aromatic Naphtha, Light Aromatic Hydrocarbons, Aromatic Hydrocarbons, Light Aromatic Solvent.

List Industries, Inc.
Deerfield Beach, Florida
Broward County, Florida

Title V Air Operation Permit Renewal

FINAL Permit Project No.: 0112110-004-AV

APPLICANT

The applicant for this project is List Industries, Inc. The applicant's responsible official and mailing address are: Mr. Herbert A. List, Jr, President, 410 N.W. 12th Avenue, Deerfield Beach, Florida 33442.

FACILITY DESCRIPTION

This facility manufactures and coats metal lockers on a custom order basis. Metal enters the plant in large rolls, unfinished and ready for further processing (Figure 1). The metal rolls are moved through cutting, hole-punching, forming, and welding operations to prepare the sides and internal sections of the locker for finishing and assembly. The sections are then washed with a phosphate solution, dried in a gas-fired oven, then routed to one of four spray booths. After the finish is applied, the parts are sent to a flash-off area then another gas-fired oven. Paint hooks used to transport parts through the finishing area are periodically placed in the small gas-fired oven to clean off residual paint. The parts are then assembled and shipped. This operation is a source of volatile organic compounds (VOC) and hazardous air pollutants (HAP). There is also a powder coating line which is a control technology for the metal furniture coating operation.

Also included in this permit are miscellaneous insignificant emissions units and/or activities.

PROJECT DESCRIPTION

The purpose of this permitting project is to renew the TV air operation permit. No modification(s) from previous permit (0112714-003-AV) is/are requested.

PROCESSING SCHEDULE AND RELATED DOCUMENTS

Application to renew the TV air operation permit was received via regular mail December 8, 2010. PPRAQ issued a request for additional information on 2011. Additional information was received February 16, 2011.

PRIMARY REGULATORY REQUIREMENTS

Broward County Chapter 27 – Pollution Control, Article IV Air Quality

Florida Administrative Code
62.4.070(3) – Reasonable Assurance
62-296.320(2) - Objectionable Odor Rule.
62-296.320(1) (a) – VOC or Organic Solvent Emissions.
62-204-800(b) (78) – Adopted by reference 40- CFR 63 – Subpart RRRR of the National Emission Standards for Hazardous Air Pollutants for surface coating of metal furniture.
62-296.320(4) (b) 1 – General Visible Emissions
62-296.320(4) (c) – Unconfined Emissions of Particulate Matter

Federal Regulations
40 CFR 63- Subpart RRRR– MACT/NESHAP Surface Coating of Metal Furniture, which was adopted by Rule 62-204.800(b) (78), F.A.C.

CAM Rule

CAM applies to each pollutant specific emissions unit that meets the four criteria listed below:

1. The emissions unit must be located at a major source which is required to have a major source (Title V) permit: EU #001 is located at a major source (TV source) for HAP.
2. The emissions unit must be subject to emissions limitations or standards for an applicable regulated air pollutant. This includes a limit set in a permit condition. It is subject to NESHAP 40 CFR 63 – Subpart RRRR.
   EU #001 has an emissions cap for VOC of 48 pounds per hour (210 tons per year).
3. The emissions unit must use an add-on control device to achieve compliance with an emission limit or standard. EU #001 is not equipped with a pollution control device to achieve compliance.
4. The emissions unit must have "potential pre-control device emissions" equal to or greater than the amount required for a source to be classified as a major source in the Title V Program. Typically, this means uncontrolled emissions would exceed 100 tons per year for a criteria pollutant, or exceed 10 tons per year for a hazardous air pollutant. All emissions are uncontrolled, since this operation does not have pollution control device. The potential HAP emissions exceed the major source threshold.

   This facility does not meet the four criteria. CAM does not apply at this time.

PROJECT REVIEW

This project is to renew the TV air operation permit. No modification(s) from previous permit (0112110-004-AV) is/are requested.

CONCLUSION

Based on the initial TV operation permit issued December 31, 1992, this facility is a major source of HAP and the Title III program. It is subject to 40 CFR Part 63, Subpart RRRR National Emission Standards for Surface Coating of Metal Furniture and is a major source under the Title V Operating Permit Program. Compliance Assurance Monitoring (CAM) does not apply.

This Title V Air Operation Permit Renewal is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210 and 62-213.

Appendix H-1: Permit History

List Industries, Inc.
Deerfield Beach, Florida

FINAL Permit No.: 0112110-004-AV
Facility ID No.: 0112110

E.U. ID No.	Description	Permit No.	Effective Date	Expiration Date	Project Type [1]
001	Drying Oven for Mirror Paint Curtain Coater	0112110-001-AC	11/30/95	10/1/96	Construction
001	4 Paint Booths, 1 Dip Tank, 1 Drying Oven, 1 Bake Oven, and 1 Heat Cleaning Oven	0112110-002- AC	3/12/01	13/12/02	Construction
001	4 Paint Booths, 1 Dip Tank, 1 Drying Oven, 1 Bake Oven, and 1 Heat Cleaning Oven	0112110-002- AV	12/31/92	11/15/93	Initial Operation
001	4 Paint Booths, 1 Dip Tank, 1 Drying Oven, 1 Bake Oven, and 1 Heat Cleaning Oven	0112110-003- AV	8/02/2006	8/2/11	Operation
001	4 Paint Booths, 1 Dip Tank, 1 Drying Oven, 1 Bake Oven, and 1 Heat Cleaning Oven	0112110-004- AV	6/22/2011	8/2/2016	Renewal

[1] Project Type (select one): Title V: Initial, Revision, Renewal, or Administrative . Correction; Construction (new or modification); or, Extension (AC only).

ABBREVIATIONS, ACRONYMS, CITATIONS AND IDENTIFICATION NUMBERS

° F: degrees Fahrenheit

acfm: actual cubic feet per minute

AOR: Annual Operating Report

ARMS: Air Resource Management System (Department's database)

BACT: best available control technology

Btu: British thermal units

CAM: compliance assurance monitoring

CEMS: continuous emissions monitoring system

cfm: cubic feet per minute

CFR: Code of Federal Regulations

CO: carbon monoxide

COMS: continuous opacity monitoring system

DARM: Division of Air Resources Management

DCA: Department of Community Affairs

DEP: Department of Environmental Protection

Department: Department of Environmental Protection

dscfm: dry standard cubic feet per minute

EPA: Environmental Protection Agency

ESP: electrostatic precipitator (control system for reducing particulate matter)

EU: emissions unit

F.A.C.: Florida Administrative Code

F.D.: forced draft

F.S.: Florida Statutes

FGR: flue gas recirculation

Fl: fluoride

ft^2: square feet

ft^3: cubic feet

gpm: gallons per minute

gr: grains

HAP: hazardous air pollutant

Hg: mercury

I.D.: induced draft

ID: identification

ISO: International Standards Organization (refers to those conditions at 288 Kelvin, 60% relative humidity and 101.3 kilopascals pressure.)

kPa: kilopascals

LAT: Latitude

lb: pound

lbs/hr: pounds per hour

LONG: Longitude

MACT: maximum achievable technology

mm: millimeter

MMBtu: million British thermal units

MSDS: material safety data sheets

MW: megawatt

NESHAP: National Emissions Standards for Hazardous Air Pollutants

NO_X: nitrogen oxides

NSPS: New Source Performance Standards

O&M: operation and maintenance

O_2: oxygen

ORIS: Office of Regulatory Information Systems

OS: Organic Solvent

Pb: lead

PM: particulate matter

PM_{10}: particulate matter with a mean aerodynamic diameter of 10 microns or less

PSD: prevention of significant deterioration

psi: pounds per square inch

PTE: potential to emit

RACT: reasonably available control technology

RATA: relative accuracy test audit

RMP: Risk Management Plan

RO: Responsible Official

SAM: sulfuric acid mist

scf: standard cubic feet

scfm: standard cubic feet per minute

SIC: standard industrial classification code

SNCR: selective non-catalytic reduction (control system used for reducing emissions of nitrogen oxides)

SOA: Specific Operating Agreement

SO_2: sulfur dioxide

TPH: tons per hour

ABBREVIATIONS, ACRONYMS, CITATIONS AND IDENTIFICATION NUMBERS

TPY: tons per year

UTM: Universal Transverse Mercator coordinate system

VE: visible emissions

VOC: volatile organic compounds

x: By or times

Citations:

The following examples illustrate the methods used in this permit to abbreviate and cite the references of rules, regulations, guidance memorandums, permit numbers and ID numbers.

Code of Federal Regulations:

Example: **[40 CFR 60.334]**

Where:	40	refers to	Title 40
	CFR	refers to	Code of Federal Regulations
	60	refers to	Part 60
	60.334	refers to	Regulation 60.334

Florida Administrative Code (F.A.C.) Rules:

Example: **[Rule 62-213.205, F.A.C.]**

Where:	62	refers to	Title 62
	62-213	refers to	Chapter 62-213
	62-213.205	refers to	Rule 62-213.205, F.A.C.

Identification Numbers:

Facility Identification (ID) Number:

Example: Facility ID No.: 1050221

Where:

105 = 3-digit number code identifying the facility is located in Polk County
0221 = 4-digit number assigned by state database.

Permit Numbers:

Example: 1050221-002-AV, or
1050221-001-AC

Where:
AC = Air Construction Permit
AV = Air Operation Permit (Title V Source)

ABBREVIATIONS, ACRONYMS, CITATIONS AND IDENTIFICATION NUMBERS

105 = 3-digit number code identifying the facility is located in Polk County
0221= 4-digit number assigned by permit tracking database
001 or 002= 3-digit sequential project number assigned by permit tracking database

Example: PSD-FL-185
PA95-01
AC53-208321

Where:
PSD = Prevention of Significant Deterioration Permit
PA = Power Plant Siting Act Permit
AC53 = old Air Construction Permit numbering identifying the facility is located in Polk County

Operation

TV1. Not federally enforceable. General Prohibition. A permitted installation may only be operated, maintained, constructed, expanded or modified in a manner that is consistent with the terms of the permit. [Rule 62-4.030, Florida Administrative Code (F.A.C.)]

TV2. Validity. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department. [Rule 62-4.160(2), F.A.C.]

TV3. Proper Operation and Maintenance. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules. [Rule 62-4.160(6), F.A.C.]

TV4. Continued Operation. An applicant making timely and complete application for permit, or for permit renewal, shall continue to operate the source under the authority and provisions of any existing valid permit or Florida Electrical Power Plant Siting Certification, and in accordance with applicable requirements of the Acid Rain Program, applicable requirements of the CAIR Program, and applicable requirements of the Hg Budget Trading Program, until the conclusion of proceedings associated with its permit application or until the new permit becomes effective, whichever is later, provided the applicant complies with all the provisions of subparagraphs 62-213.420(1)(b)3., F.A.C. [Rules 62-213.420(1)(b)2., F.A.C.]

TV5. Changes Without Permit Revision. Title V sources having a valid permit issued pursuant to Chapter 62-213, F.A.C., may make the following changes without permit revision, provided that sources shall maintain source logs or records to verify periods of operation:

a. Permitted sources may change among those alternative methods of operation;
b. A permitted source may implement operating changes, as defined in Rule 62-210.200, F.A.C., after the source submits any forms required by any applicable requirement and provides the Department and EPA with at least 7 days written notice prior to implementation. The source and the Department shall attach each notice to the relevant permit;
   (1) The written notice shall include the date on which the change will occur, and a description of the change within the permitted source, the pollutants emitted and any change in emissions, and any term or condition becoming applicable or no longer applicable as a result of the change;
   (2) The permit shield described in Rule 62-213.460, F.A.C., shall not apply to such changes;
c. Permitted sources may implement changes involving modes of operation only in accordance with Rule 62-213.415, F.A.C.

[Rule 62-213.410, F.A.C.]

TV6. Circumvention. No person shall circumvent any air pollution control device, or allow the emission of air pollutants without the applicable air pollution control device operating properly. [Rule 62-210.650, F.A.C.]

Compliance

TV7. Compliance with Chapter 403, F.S., and Department Rules. Except as provided at Rule 62-213.460, Permit Shield, F.A.C., the issuance of a permit does not relieve any person from complying with the requirements of Chapter 403, F.S., or Department rules. [Rule 62-4.070(7), F.A.C.]

TV8. Binding and enforceable. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions. [Rule 62-4.160(1), F.A.C.]

TV9. Timely information. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly. [Rule 62-4.160(15), F.A.C.]

TV10. Halting or reduction of source activity. It shall not be a defense for a permittee in an enforcement action that maintaining compliance with any permit condition would necessitate halting of or reduction of the source activity. [Rule 62-213.440(1)(d)3., F.A.C.]

TV11. Final permit action. Any Title V source shall comply with all the terms and conditions of the existing permit until the Department has taken final action on any permit renewal or any requested permit revision, except as provided at Rule 62-213.412(2), F.A.C. [Rule 62-213.440(1)(d)4., F.A.C.]

TV12. Sudden and unforeseeable events beyond the control of the source. A situation arising from sudden and unforeseeable events beyond the control of the source which causes an exceedance of a technology-based emissions limitation because of unavoidable increases in emissions attributable to the situation and which requires immediate corrective action to restore normal operation, shall be an affirmative defense to an enforcement action in accordance with the provisions and requirements of 40 CFR 70.6(g)(2) and (3), hereby adopted and incorporated by reference. Rule 62-213.440(1)(d)5., F.A.C.]

TV13. Permit Shield. Except as provided in Chapter 62-213, F.A.C., compliance with the terms and conditions of a permit issued pursuant to Chapter 62-213, F.A.C., shall, as of the effective date of the permit, be deemed compliance with any applicable requirements in effect, provided that the source included such applicable requirements in the permit application. Nothing in this condition or in any permit shall alter or affect the ability of EPA or the Department to deal with an emergency, the liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance, or the requirements of the Federal Acid Rain Program, the CAIR Program. [Rule 62-213.460, F.A.C.]

Permit Procedures

TV14. Permit Revision Procedures. The permittee shall revise its permit as required by Rules 62-213.400, 62-213.412, 62-213.430 & 62-4.080, F.A.C.; and, 40 CFR 70.7(f).

TV15. Permit Renewal. The permittee shall renew its permit as required by Rules 62-4.090, 62.213.420(1) and 62-213.430(3), F.A.C. Permits being renewed are subject to the same requirements that apply to permit issuance at the time of application for renewal. Permit renewal applications shall contain that information identified in Rules 62-210.900(1) [Application for Air Permit - Long Form], 62-213.420(3) [Required Information], 62-213.420(6) [CAIR Part Form], F.A.C. Unless a Title V source submits a timely and complete application for permit renewal in accordance with the requirements this rule, the existing permit shall expire and the source's right to operate shall terminate. No Title V permit will be issued for a new term except through the renewal process. [Rule 62-213.420, F.A.C.]

TV16. Insignificant Emissions Units or Pollutant-Emitting Activities. The permittee shall identify and evaluate insignificant emissions units as set forth in Rule 62-213.430(6), F.A.C.

TV17. Savings Clause. If any portion of the final permit is invalidated, the remainder of the permit shall remain in effect. [Rule 62-213.440(1)(d)1., F.A.C.]

TV18. Suspension and Revocation.

a. Permits shall be effective until suspended, revoked, surrendered, or expired and shall be subject to the provisions of Chapter 403, F.S., and rules of the Department.
b. Failure to comply with pollution control laws and rules shall be grounds for suspension or revocation.
c. A permit issued pursuant to Chapter 62-4, F.A.C., shall not become a vested property right in the permittee. The Department may revoke any permit issued by it if it finds that the permit holder or his agent:
   (1) Submitted false or inaccurate information in his application or operational reports.
   (2) Has violated law, Department orders, rules or permit conditions.

(3) Has failed to submit operational reports or other information required by Department rules.
(4) Has refused lawful inspection under Section 403.091, F.S.

d. No revocation shall become effective except after notice is served by personal services, certified mail, or newspaper notice pursuant to Section 120.60(7), F.S., upon the person or persons named therein and a hearing held if requested within the time specified in the notice. The notice shall specify the provision of the law, or rule alleged to be violated, or the permit condition or Department order alleged to be violated, and the facts alleged to constitute a violation thereof.

[Rule 62-4.100, F.A.C.]

TV19. Emissions Unit Reclassification.

a. Any emissions unit whose operation permit has been revoked as provided for in Chapter 62-4, F.A.C., shall be deemed permanently shut down for purposes of Rule 62-212.500, F.A.C. Any emissions unit whose permit to operate has expired without timely renewal or transfer may be deemed permanently shut down, provided, however, that no such emissions unit shall be deemed permanently shut down if, within 20 days after receipt of written notice from the Department, the emissions unit owner or operator demonstrates that the permit expiration resulted from inadvertent failure to comply with the requirements of Rule 62-4.090, F.A.C., and that the owner or operator intends to continue the emissions unit in operation, and either submits an application for an air operation permit or complies with permit transfer requirements, if applicable.

b. If the owner or operator of an emissions unit which is so permanently shut down, applies to the Department for a permit to reactivate or operate such emissions unit, the emissions unit will be reviewed and permitted as a new emissions unit.

[Rule 62-210.300(6), F.A.C.]

TV20. Transfer of Permits. Per Rule 62-4.160(11), F.A.C., this permit is transferable only upon Department approval in accordance with Rule 62-4.120, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations occurring prior to the sale or legal transfer of the facility. The permittee shall also comply with the requirements of Rule 62-210.300(7), F.A.C. [Rules 62-4.160(11), 62-4.120, and 62-210.300(7), F.A.C.]

Rights, Title, Liability, and Agreements

TV21. Rights. As provided in Subsections 403.987(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit. [Rule 62-4.160(3), F.A.C.]

TV22. Title. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. [Rule 62-4.160(4), (F.A.C.]

TV23. Liability. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of F.S. and Department rules, unless specifically authorized by an order from the Department. [Rule 62-4.160(5), F.A.C.]

TV24. Agreements.

a. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

(1) Have access to and copy any records that must be kept under conditions of the permit;
(2) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and,

(3) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.

b. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

c. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

[Rules 62-4.160(7), (9), and (10), F.A.C.]

Recordkeeping and Emissions Computation

TV25. Permit. The permittee shall keep this permit or a copy thereof at the work site of the permitted activity. [Rule 62-4.160(12), F.A.C.]

TV26. Recordkeeping.

a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least five (5) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

c. Records of monitoring information shall include:

(1) The date, exact place, and time of sampling or measurements, and the operating conditions at the time of sampling or measurement;
(2) The person responsible for performing the sampling or measurements;
(3) The dates analyses were performed;
(4) The person and company that performed the analyses;
(5) The analytical techniques or methods used;
(6) The results of such analyses.

[Rules 62-4.160(14) and 62-213.440(1)(b)2., F.A.C.]

TV27. Emissions Computation. The owner or operator of a facility shall compute emissions in accordance with the requirements set forth in this subsection.

a. Basic Approach. The owner or operator shall employ, on a pollutant-specific basis, the most accurate of the approaches set forth below to compute the emissions of a pollutant from an emissions unit; provided, however, that nothing in this rule shall be construed to require installation and operation of any continuous emissions monitoring system (CEMS), continuous parameter monitoring system (CPMS), or predictive emissions monitoring system (PEMS) not otherwise required by rule or permit, nor shall anything in this rule be construed to require performance of any stack testing not otherwise required by rule or permit.

(1) If the emissions unit is equipped with a CEMS meeting the requirements of paragraph 62-210.370(2)(b), F.A.C., the owner or operator shall use such CEMS to compute the emissions of the pollutant, unless the owner or operator demonstrates to the department that an alternative approach is more accurate because the CEMS represents still-emerging technology.

(2) If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C, but emissions of the pollutant can be computed pursuant to the mass balance methodology of

paragraph 62-210.370(2)(c), F.A.C., the owner or operator shall use such methodology, unless the owner or operator demonstrates to the department that an alternative approach is more accurate.

(3) If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C., and emissions cannot be computed pursuant to the mass balance methodology, the owner or operator shall use an emission factor meeting the requirements of paragraph 62-210.370(2)(d), F.A.C., unless the owner or operator demonstrates to the department that an alternative approach is more accurate.

b. Continuous Emissions Monitoring System (CEMS).

(1) An owner or operator may use a CEMS to compute emissions of a pollutant for purposes of this rule provided:

(a) The CEMS complies with the applicable certification and quality assurance requirements of 40 CFR Part 60, Appendices B and F, or, for an acid rain unit, the certification and quality assurance requirements of 40 CFR Part 75, all adopted by reference at Rule 62-204.800, F.A.C.; or,

(b) The owner or operator demonstrates that the CEMS otherwise represents the most accurate means of computing emissions for purposes of this rule.

(2) Stack gas volumetric flow rates used with the CEMS to compute emissions shall be obtained by the most accurate of the following methods as demonstrated by the owner or operator:

(a) A calibrated flowmeter that records data on a continuous basis, if available; or

(b) The average flow rate of all valid stack tests conducted during a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit.

(3) The owner or operator may use CEMS data in combination with an appropriate f-factor, heat input data, and any other necessary parameters to compute emissions if such method is demonstrated by the owner or operator to be more accurate than using a stack gas volumetric flow rate as set forth at subparagraph 62-210.370(2)(b)2., F.A.C., above.

c. Mass Balance Calculations.

(1) An owner or operator may use mass balance calculations to compute emissions of a pollutant for purposes of this rule provided the owner or operator:

(a) Demonstrates a means of validating the content of the pollutant that is contained in or created by all materials or fuels used in or at the emissions unit; and,

(b) Assumes that the emissions unit emits all of the pollutant that is contained in or created by any material or fuel used in or at the emissions unit if it cannot otherwise be accounted for in the process or in the capture and destruction of the pollutant by the unit's air pollution control equipment.

(2) Where the vendor of a raw material or fuel which is used in or at the emissions unit publishes a range of pollutant content from such material or fuel, the owner or operator shall use the highest value of the range to compute the emissions, unless the owner or operator demonstrates using site-specific data that another content within the range is more accurate.

(3) In the case of an emissions unit using coatings or solvents, the owner or operator shall document, through purchase receipts, records and sales receipts, the beginning and ending VOC inventories, the amount of VOC purchased during the computational period, and the amount of VOC disposed of in the liquid phase during such period.

d. Emission Factors.

(1) An owner or operator may use an emission factor to compute emissions of a pollutant for purposes of this rule provided the emission factor is based on site-specific data such as stack test data, where available, unless the owner or operator demonstrates to the department that an alternative emission factor is more accurate. An owner or operator using site-specific data to derive an emission factor, or set of factors, shall meet the following requirements.

(a) If stack test data are used, the emission factor shall be based on the average emissions per unit of input, output, or gas volume, whichever is appropriate, of all valid stack tests conducted during at least a five-year period encompassing the period over which the emissions are being computed,

provided all stack tests used shall represent the same operational and physical configuration of the unit.

(b) Multiple emission factors shall be used as necessary to account for variations in emission rate associated with variations in the emissions unit's operating rate or operating conditions during the period over which emissions are computed.

(c) The owner or operator shall compute emissions by multiplying the appropriate emission factor by the appropriate input, output or gas volume value for the period over which the emissions are computed. The owner or operator shall not compute emissions by converting an emission factor to pounds per hour and then multiplying by hours of operation, unless the owner or operator demonstrates that such computation is the most accurate method available.

(2) If site-specific data are not available to derive an emission factor, the owner or operator may use a published emission factor directly applicable to the process for which emissions are computed. If no directly-applicable emission factor is available, the owner or operator may use a factor based on a similar, but different, process.

e. Accounting for Emissions During Periods of Missing Data from CEMS, PEMS, or CPMS. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of missing data from CEMS, PEMS, or CPMS using other site-specific data to generate a reasonable estimate of such emissions.

f. Accounting for Emissions During Periods of Startup and Shutdown. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of startup and shutdown of the emissions unit.

g. Fugitive Emissions. In computing the emissions of a pollutant from a facility or emissions unit, the owner or operator shall account for the fugitive emissions of the pollutant, to the extent quantifiable, associated with such facility or emissions unit.

h. Recordkeeping. The owner or operator shall retain a copy of all records used to compute emissions pursuant to this rule for a period of five years from the date on which such emissions information is submitted to the department for any regulatory purpose.

[Rule 62-210.370 (1) and (2), F.A.C.]

Responsible Official

TV28. Designation and Update. The permittee shall designate and update a responsible official as required by Rule 62-213.202, F.A.C.

Prohibitions and Restrictions

TV29. Asbestos. This permit does not authorize any demolition or renovation of the facility or its parts or components which involves asbestos removal. This permit does not constitute a waiver of any of the requirements of Chapter 62-257, F.A.C., and 40 CFR 61, Subpart M, National Emission Standard for Asbestos, adopted and incorporated by reference in Rule 62-204.800, F.A.C. Compliance with Chapter 62-257, F.A.C., and 40 CFR 61, Subpart M, Section 61.145, is required for any asbestos demolition or renovation at the source. [40 CFR 61; Rule 62-204.800, F.A.C.; and, Chapter 62-257, F.A.C.]

TV30. Refrigerant Requirements. Any facility having refrigeration equipment, including air conditioning equipment, which uses a Class I or II substance (listed at 40 CFR 82, Subpart A, Appendices A and B), and any facility which maintains, services, or repairs motor vehicles using a Class I or Class II substance as refrigerant must comply with all requirements of 40 CFR 82, Subparts B and F, and with Chapter 62-281, F.A.C.

TV31. Open Burning Prohibited. Unless otherwise authorized by Rules 62-296.320 or Chapter 62-256, F.A.C., open burning is prohibited.

Appendix I-1: List of Insignificant Emissions Units and/or Activities.

List Industries, Inc.
Deerfield Beach

FINAL Permit No.: 0112110-004-AV
Facility ID No.: 0112110

The facilities, emissions units, or pollutant-emitting activities listed in Rule 62-210.300(3)(a), F.A.C., Categorical Exemptions, or that meet the criteria specified in Rule 62-210.300(3)(b)1., F.A.C., Generic Emissions Unit Exemption, are exempt from the permitting requirements of Chapters 62-210, 62-212 and 62-4, F.A.C.; provided, however, that exempt emissions units shall be subject to any applicable emission limiting standards and the emissions from exempt emissions units or activities shall be considered in determining the potential emissions of the facility containing such emissions units. Emissions units and pollutant-emitting activities exempt from permitting under Rules 62-210.300(3) (a) and (b) 1., F.A.C., shall not be exempt from the permitting requirements of Chapter 62-213, F.A.C., if they are contained within a Title V source; however, such emissions units and activities shall be considered insignificant for Title V purposes provided they also meet the criteria of Rule 62-213.430(6) (b), F.A.C. No emissions unit shall be entitled to an exemption from permitting under Rules 62-210.300(3) (a) and (b) 1., F.A.C., if its emissions, in combination with the emissions of other units and activities at the facility, would cause the facility to emit or have the potential to emit any pollutant in such amount as to make the facility a Title V source.

The below listed emissions units and/or activities are considered insignificant pursuant to Rule 62-213.430(6), F.A.C.

Brief Description of Emissions Units and/or Activities

1. Cutting, hole punching, forming, and welding operations.

Appendix U-1, List of Unregulated Emissions Units and/or Activities.

List Industries, Inc.
Deerfield Beach, Florida

FINAL Permit No.: 0112110-004 AV
Facility ID No.: 0112110

Unregulated Emissions Units and/or Activities. An emissions unit which emits no "emissions-limited pollutant" and which is subject to no unit-specific work practice standard, though it may be subject to regulations applied on a facility-wide basis (e.g., unconfined emissions, odor, general opacity) or to regulations that require only that it be able to prove exemption from unit-specific emissions or work practice standards.

The below listed is the list of unregulated emissions units and/or insignificant activities. They are considered insignificant pursuant 62-213.430(6), F.A.C.

1. Powder Coating Line

Table 1-1, Summary of Air Pollutant Standards and Terms

List Industries, Inc.
Deerfield Beach

FINAL Permit No.: 0112110-004-AV
Facility ID No.: 0112110

This table summarizes information for convenience purposes only.
It does not supersede any of the terms or conditions of this permit.

Source	Pollutant	Standard(s)	Regulatory Citation(s)
EU-001. Metal Furniture Coating Line			(NESHAP 40 CFR 63, Subpart RRRR)
	HAP	Organic HAP emissions limit of	40 CFR 63.4890(c)
		0.83 Lb/gal of solids used	
	VOC	48 pounds per hour (210 tons per	62-4.160(2), F.A.C.
		year based on 8,760 hours per year	62-210.200, F.A.C.
			62-4.070(3)
		3 lb/gal of coating excluding water,	62-296.505(2)(a), F.A.C.
		delivered to the coating applicator	
		from prime and topcoat or single	
		coat operation	

Table 2-1, Summary of Compliance Requirements

List Industries, Inc.
Deerfield Beach

FINAL Permit No.: 0112110-004-AV
Facility ID No.: 0112110

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

E.U. ID No. Brief Description
1 **Metal Furniture Coating Line**

Pollutant Name or Parameter	Fuel(s)	Compliance Method	Testing Time Frequency	Frequency Base Date *	Min. Compliance Test Duration	CMS**	See permit condition(s)
HAP	N/A	40 CFR 63.4942 Compliance with the HAP emiss. limit	continous	N/A	N/A	N/A	A.7
		62-296.505(3)(a) & (4(a) 62-296.500(2)(b)4 F.A.C. Compliance with VOC standard	continous	N/A	N/A		A.8
		62-296.500(2)(b)1 F.A.C. Recordkeeping of coating and solvents	daily	N/A	N/A		A.13

Notes: * The frequency base date is established for planning purposes only; see Rule 62-297.310, F.A.C.
**CMS [=] continuous monitoring system